

**UNITED STATES DISTRICT COURT
FOR THE
STATE OF NEW MEXICO**

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
APR 02 2024
MITCHELL R. ELFERS
CLERK

Larry Marker

Petitioner

Vs.

Case No. CV-24-118 KK
ML ET KK

New Mexico House of Representatives
Et al.

Respondents

PETITIONERS SECOND SHOW OF CAUSE

Petitioner files this Second Show of Cause as ordered:

1-Petitioner is bringing the request for Writ of Quo Warranto against the members of the NM House under the authority of the "All Writs Act" 28 USC § 1651 the jurisdiction of the US District Court is invoked by the issues and facts detailed in the Second Amended Complaint.

2-The NM General Election was conducted with voting equipment that lacks proper Federal and State certification.

3-Petitioner in his second amended complaint detailed facts that show 69 of the 70 members of the NM House of Representatives were placed unlawfully into office by an election that was conducted with non-compliant voting equipment.

4-The four essential elements required for a writ specific to a writ for quo warranto are shown to present by the facts plead in Petitioners Second Amended Petition for Writ, those elements are,

5-An office created by the Constitution is occupied by a private person who lacks authority to do so. The offices in question are within the scope of a Petition for the requested writ.

6-The office in question involves significant duties related to public matters and the duties of the office in question are also public in nature obviously the challenged offices fit within this category.

7-The Respondent House Member must be holding that office at the time the challenge is made. As stated Respondents are each currently illegally holding office as a member of the NM House.

8-The essential elements required for writ from a Federal Court are:

Courts jurisdiction, plausible allegations of violation of law both of which exist in this cause of action as detailed in the Second Amended Complaint.

Show of Cause for Injunctive Relief:

9-Petitioner is requesting Injunctive Relief under the authority of the Ex parte Young Doctrine as jurisdictional requirement and facts plead.

10-The elements required for injunction are present and plead within the Second Amended Petition.

11-Petitioner as will all the citizens of NM will suffer irreparable injury by the continued use of non-compliant election equipment and enforcement of laws enacted by individuals without right occupy office or authority to make laws.

12-The State will suffer no discernable injury with the Courts issuance the preliminary injunction as requested.

13-The injunctive relief requested to stay effective date of laws will maintain the status quo pending the outcome of the instant Petition for Writ of Quo Warranto.

14-The injunctive relief requested relative to the equipment used to count and tally votes is seeking to prevent a further invasion of the constitutional rights relative to fair and equitable election equipment and procedures.

15-Specific details as to injunctive relief are presented in Petitioners second amended complaint on this matter.

16-The Court will in all likelihood issue a writ of Quo Warranto to the NM House in consideration of the fact that the 2022 general election was conducted on non-compliant voting equipment in violation of law and that fact has not been and cannot be controverted.

17- Exhibits provided show the voting systems currently in use in New Mexico are unable to process write-in and adjudicated ballots equitably or within allowable error rate.


18-The totality of the issues and facts relative to the 2022 NM general election have brought into question the right of Respondents to each occupy their offices and are those Respondents constitutionally and legally authorized to perform the duties of the office.

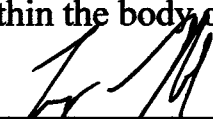
19-The same non-compliant malfunctioning election equipment and processes was used in every precinct in the state to conduct the 2022 NM General election. Respondents were each elected in the 2022 general election.

20- The injunctive relief requested relative to the equipment used to tally votes is seeking to prevent a further invasion of the constitutional rights relative to fair and equitable election equipment and procedures.

21-The injunctive relief requested as to the effective date and possible court action voiding the subject laws is to stop the enactment of laws passed contrary to established Constitutionally authorized process and guidelines.


Respectfully submitted:
Larry Marker
PO Box 3188
Roswell NM 88202
575-910-0300
larrym_gdc@hotmail.com


4-2-24

Petitioner Larry Marker swears under oath and threat of perjury that the statements and representations made within the body of this document are true and correct to the best of his knowledge.  Date 4-2-24

Certificate of service:

Petitioner is sending a copy of this "Second Amended Petition" To each Respondent via first class mail to their home address unless counsel is retained by Respondents prior to mailing in that instance the copy of the second amended petition will be provide to counsel for Respondent.


4-2-24

**UNITED STATES DISTRICT COURT
FOR THE
STATE OF NEW MEXICO**

Larry Marker

Petitioner

Vs.

Case No. CV-24-118 KK

New Mexico House of Representatives

Eliseo Alcon	Miguel Garcia	Matthew McQueen
Anthony Allison	Joy Garratt	Tanya Mirabal Moya
Janelle Anyanonu	Yanira Gurrola	Rod Montoya
Gail Armstrong	Jason Harper	Kristina Ortez
Brian Baca	Joshua Hernandez	Cristina Parajón
John Block	Pamelya Herndon	Randall Pettigrew
Cynthia Borrego	Susan Herrera	Andrea Reeb
Cathrynn Brown	Dayan Hochman-Vigil	William Rehm
Micaela Cadena	Tara Jaramillo	Andrea Romero
Ambrose Castellano	D. Wonda Johnson	G. Andrés Romero
Kathleen Cates	Jenifer Jones	Patricia Roybal Caballero
Christine Chandler	T. Ryan Lane	Angelica Rubio
Gail Chasey	Raymundo Lara	Joseph Sanchez
Jack Chatfield	Derrick Lente	Debra Sariñana
Eleanor Chávez	Charlotte Little	Larry Scott
Art De La Cruz	Stefani Lord	Linda Serrato
Meredith Dixon	Tara Lujan	Nathan Small
Mark Duncan	Patricia Lundstrom	Reena Szczepanski
Candy Ezzell	Willie Madrid	Luis Terrazas
Joanne Ferrary	Alan Martinez	Elizabeth Thomson
Natalie Figueroa	Javier Martinez	James Townsend
Doreen Gallegos	Jimmy Mason	Harlan Vincent
Harry Garcia	Marian Matthews	Martin Zamora

Respondents

**PETITIONERS
SECOND AMENDED AND VERIFIED
EMERGENCY PETITION FOR WRIT OF QUO WARRANTO
WITH
EMERGENCY REQUEST FOR PRELIMINARY INJUNCTIONS
AND
PERMANENT INJUNCTION**

1-Petitioner as a Citizen, Voter and 2022 Candidate for NM Commissioner of Public Lands files this Emergency Petition for Writ of Quo Warranto seeking judicial action pursuant to and within the scope of the ‘All Writs Act’ Title 28 §1652. Jurisdiction is invoked under the authority of the Ex parte Young Doctrine specific to injunctive relief against state officials. Relief requested is determination the legal authority of each individual member of the New Mexico House of Representatives elected in the November 8th 2022 NM General Election to occupy office, perform legislative duties and exercise legislative authority of that office. The requested preliminary injunction is limited to bills passed in the Second Session of the 56th Legislature (2024 Regular Session) except general appropriation bills or bills carrying an emergency clause and the continued use non-compliant inadequate voting systems

Background:

2-The 2022 NM General election was illegally conducted using election equipment that was not in compliance with State or Fed law. Petitioner prior to the 2022

election unsuccessfully sought judicial intervention on the merits of the matters and issues of non-compliant election equipment. Proper notification and service requirements were followed in each of those cases, therefore the Office of the NM Attorney General has known of the issues of the instant matter for a significant amount of time. NMAG has been served as per state law on each previous matters relative to compliance of election equipment. Please see Case No. S-1-SC-39578 and Case No. 22-CV-784-KG-KRS.

3-Subsequent to the 2022 general election on Dec. 14th 2022 Petitioner did file in NM District Court case No.D-504-CV-202200726 requesting a Declaratory Judgment on the matter of non-compliant equipment used to conduct the 2022 NM General Election. The court unable to dismiss the cause of action after the initial hearing on Petitioners standing, vacated the subsequent hearing, has thus far ignored Petitioners motion to include as Defendants additional State Officials and failed to act on a request for a scheduling conference. The actions of the State district court have effectively deprived Petitioner of the right to petition the court and access to a fair and equitable election process, each of those are a violation of Petitioners rights protected under the First, Fifth and Fourteenth Amendments of the Constitution of the United States.

4-Every state official associated with the instant matter or previous matters has failed to contradict (thus admitting) the fact the equipment used to conduct the 2022 NM General Election was non-compliant and under state law illegal to use. Please see Exhibits A.B and C attached.

5-The equipment and procedures used to tally the 2022 vote did in fact malfunction on a large scale, please see Exhibits B, D and F.

6-Petitioner presents facts of this matter he believes invokes Subject Matter Jurisdiction of the US District Court pursuant to All Writs Act, Ex Parte Young Doctrine, Title 52 Section 20971 Title 52 § 10101 (d) Title 42 § 1983 and Article IV § 4 of the US Constitution. Federal offices were on the 2022 ballot. Violations of First and Fifth Amendment rights and the overall Unconstitutional Conditions Doctrine.

7-Facts of this matter A: Under state election code a voting system that does not comply with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission shall be decertified for use in this state. As per Section 1-9-7.4 NMSA 1978.

8-The uncertified equipment used was also in violation of Subtitle B Section 231 of the Help America Vote Act and 52 USC§ 20971

9-Pursuant to Section 1-9-14 NMSA 1978ll, all voting systems certified for use in the state shall be tested by an independent authority and shall comply with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission.

10-The voting system used in the 2022 election did not meet the minimum accuracy Requirements set forth in HAVA and tested to EAC standards this fact violates Title 52 Section 20971. Please see page 1 and 2 of exhibit B attached The voting equipment used to conduct the 2022 NM General Election was non-compliant with Federal and State Law. Please see Exhibits A.B and C attached.

11-Facts of this Matter B: Petitioner in an attempt to exercise the right to due process, equal protection and the right to petition the court for a redress of this same matter sought remedy through NM State's Judicial system, the failure of the Court to provide due process, timely adjudication or any effort to remedy the issue has resulted in the use of non-compliant election equipment that fails to meet minimum accuracy requirements to conduct the 2022 election.

12-The failure of the NM Secretary of State and office to perform their duties combined with the failure of the States Judiciary resulted the instanr petition for writ relative to NM House members right to occupy office and authority to preform legislative functions.

13- Petitioner prior to the 2022 election did in fact file on Sept. 22nd 2022 an expedited petition for writ of mandamus Case No. S-1-SC-39578. NM Supreme Court for unspecified reason denied that writ on Oct. 27th 2022.

14-Petitioner filed prior to the 2022 election an emergency petition for injunctive relief on the use of non-compliant election equipment, complaint for violation of election code and a petition for writ of quo warranto of the NM Secretary of State. Case No. D-101-CV-202202084. The State District Court failed to adjudicate the case timely. The failure to act prior to the election resulted in a moot case on the use of non-compliant equipment for the 2022 election.

15-Petitioner subsequent to the 2022 election on Dec 5th 2022 filed a Petition for Declaratory Judgment on the issue of non-compliant election equipment. Multiple attempts by Defendant for dismissal failed and the Court has since vacated a hearing, failed to prosecute and ignored Plaintiffs attempts to pursue Case No. D-504-CV-202200726

16-Facts of this Matter C: Voting equipment used in New Mexico 2022 elections was physically and mechanically unable to accommodate an equal number of ballots that cast a vote for a write in candidate as opposed to ballots cast for a party nominated candidate.

17-Evidence shows that the functional defect provided inequitable risk for voters who submitting a ballot containing a vote for a write-in candidate.

18-Inequitable election procedures are an invasion of the Fourteenth Amendment please see:

The right to vote is "individual and personal in nature," Reynolds v. Sims, 377 U. S. 533, 561, and "voters who allege facts showing disadvantage to themselves as individuals have standing to sue"

19-The mere existence of additional and inequitable risk to any ballot is a violation of 18 US Code Chapter 29, in that a voter's choice is affected.

20-Ballots that cast a vote for a write-in candidate (including Petitioner) were segregated into a receptacle having insufficient capacity to accommodate the ballots containing write-in votes.

21-The lack of capacity of the write-in/ adjudication receptacle is a violation Section 1-9-7.10. NMSA part D, voting systems; ballot handling and processing requirements.

22-The NM Secretary of States post-election audit revealed a massive 200 percent undercounting of votes cast for write-in candidates to substantiate that claim please see Exhibit B beginning on page 1 and continuing to page 2.

23-Unknown is the number of votes left uncounted for local, state or federal offices, because the voter chose to cast a vote for a write-in candidate on the same ballot.

24-Segregating ballots that clearly place those ballots into an inequitable situation does in fact interfere with that person's right to vote for the Candidate of his choosing.

25-The known physical limitations of the voting equipment were challenged but not addressed obviously casting a cloud of doubt on the tabulation of votes cast on a ballot that included a write-in vote.

26-The claim of inequitable treatment of voters and the votes those voters cast is substantiated by the chaos and confusion that resulted in tabulation errors, numerous court orders to open tabulating machines days and weeks after the election. See Exhibit E to substantiate this fact.

27-The limited physical capacity and inconsistent procedures relative to ballots containing write in ballots resulted in an inequitable treatment of voters in the 2022 election. Please see Exhibits E and F

28-An issue with the inequitable physical limitations of the voting equipment creates a condition where ballots containing votes cast for a write-in candidate will quickly overwhelm the capacity of the adjudication/write-in receptacle.

29-The adjudication/write-in receptacle also receives ballots with potential mistakes that need to be physically examined and adjudicated further limiting capacity for ballots containing votes for a write-in candidate.

30-Uncertain is what happened to the ballots and votes with write-in votes if or when the receptacle reached capacity? Were they counted? See Exhibit F.

31-Subsequent to the 2022 general election a very large number of Court orders were issued in multiple State Judicial Districts to retrieve ballots that were mistakenly left within the voting machines after the polls closed.

Please see Exhibit E.

32-The large number of Court orders required to access the tabulators some weeks after the election demonstrates the fact that the equipment used is unable to perform as required by law and the process and procedures relative to all types of ballots limited fair and equitable access to the process of voting for all NM voters in the 2022 general election. Please see Exhibit B.

33- We can easily assume that the voting process been conducted within the statutory guidelines tabulator tapes printed out when the polls closed would have alerted precinct workers to the fact that ballots containing write-in votes were still within the machine and had not been counted. Please see Exhibit F.

34-The lack of proper procedures relative to write-in votes exposed thousands of NM voters to inequitable conditions. Please see Exhibits D and F.

35-The issue of the limitations of the capacity of the adjudicated/write-in ballot receptacle and the potential problems created by those limitations is at its core also an issue of equal treatment of write in candidates and the voters who cast a vote for them. Please see Bush v. Gore, 531 U.S. 98,

36- Physical and procedural limitations of NM voting systems expose the votes cast for a write-in candidate to more risk and inequitable conditions when compared to the votes cast for a party nominated candidate therefore exposing Petitioners candidacy to additional risk and inequitable conditions. Please see Bush v. Gore, 531 U.S. 98,

37-SOS and NM Courts knew the voting equipment and procedures used to conduct the 2022 election would disproportionately affect voters casting a vote for a write-in candidate because the primary held earlier that year had serious issues on the matter Please see Exhibit E.

38-SOS knowingly violated fed and state law by using inequitable and non-compliant voting equipment that lacked certification to conduct 2022 general election knowing it had failed to properly tabulate votes in the 2022 primary. Please see Exhibit See Exhibits C and E.

39-SOS knowingly used election machines and processes that she knew or should have known may not properly tabulate write in ballots including ballots that cast a vote for a federal congressional office.

40-Prior to the election The NMSOS and Courts failed to act allowing a flawed voting process that jeopardized the voter's ability to vote for the candidate of their choice.

Facts of the Matter show substantial election irregularities

41-New Mexico House Members are elected every two years, 69 of the 70 Representatives were questionably placed in office by the 2022 election that was conducted on non-compliant equipment.

42-The large number of Court orders sought and issued and the evidence of excessive error rates of the subject non-compliant equipment further substantiates Petitioners claims.

Specific to Purpose of Writ:

43-The purpose of Petitioners request for writ is have the court ascertain whether each of the Respondent House members is constitutionally and legally authorized to perform the duties of the office they currently occupy. Respondent House members are currently holding office in House Districts 1 through 70 excepting House District 59 held by an appointed member.

44-Petitioner is not requesting the Court remove Respondent Members from office within the instant cause of action. The interest of the citizens of the State of NM will be best served when elected officials are held accountable and the rights of the Citizens are protected.

Essential Elements required are presented in Petition for Writ:

45-The four essential elements required for a writ specific to a writ for quo warranto are present in the instant matter

46-An office created by the Constitution is occupied by a private person who lacks authority to do so. The offices in question are within the scope of a Petition for the requested writ.

47-The office in question involves significant duties related to public matters and

48-The duties of the office in question are also public in nature obviously the challenged offices fit within this category.

49-The Respondent House Member must be holding that office at the time the challenge is made. As stated Respondents are each currently illegally holding office as a member of the NM House.

50-The essential elements required for writ from a Federal Court are:

Courts jurisdiction, plausible allegations of violation of law both of which exist in this cause of action.

Requested Writ and Injunctive Relief Impact on Public Interest,

51-The issuance of a Writ for Quo Warranto and injunctive relief as requested does fit within the four considerations of balance of interest, due process, practical considerations and judicial discretion.

52-The requested Petition for Writ is limited to the current members of the NM House of representatives. Each of Office of the NM House of Representatives is subject to election in the next NM general election in Nov. 2024.

53-Any reasonable person would agree issuance of a Writ of Quo Warranto as requested is miniscule compared to the broader consideration of the fact that the 2022 NM general election was held contrary to state and fed law, each of the three branches of state government knew or should have known that fact and choose to do nothing to remedy or address the issue timely or otherwise.

54-The injunctive relief requested is limited to bills that will not be effective until May 15th of 2024. Maintaining the status Quo with the requested relief does serve justice and is clearly within the scope of due process and fairness as opposed to condoning the illegal actions of multiple state agencies and branches of the government of the state of NM relative to elections, election laws and a further

invasion of rights protected by the first Amendment of the Constitution of the United States by the continued use of non-compliant election equipment.

55-Any reasonable mind would view with deep concern the current state of affairs relative to the use of non-compliant, malfunctioning voting equipment, NM Secretary of State illegally conducting elections. Elections conducted contrary to public law that place House members into office then without constitutional authority make laws while the states AG and Judicial system has demonstrate that they are uninterested or unwilling to provide any type of remedy timely or otherwise.

56-This entire matter could be framed a gross representation of state officials incompetence, dereliction of duty and a violation of the oaths of office of each elected official involved directly or indirectly.

57-The issuance of the requested Writ and injunctive relief as requested would ensure protection of citizen's rights and hold multiple elected state officials accountable.

Specific to Preliminary Injunction on Bills:

58-Petitioner is requesting issuance of a preliminary injunction pending the outcome of the Petition for Writ of Quo Warranto as requested by Petitioner.

59-The requested injunctive relief is to stay the effective date of bills enacted into law during the 2024 Regular Legislative Session.

60-The requested preliminary injunction is limited to bills passed in the Second Session of the 56th Legislature (2024 Regular Session) except general appropriation bills or bills carrying an emergency clause.

61-The effective date of subject laws is May 15th 2024, the preliminary injunction as requested will maintain the status quo pending the outcome of the instant Petition for Writ of Quo Warranto.

62-Petitioner is likely to succeed in this cause of action based on the merits of the underlying matter initiating his Petition for Writ of Quo Warranto. The state has thus far in any other causes of action failed to show equipment compliance or even contradict Petitioners claim that the voting equipment used to conduct the 2022 general election was not compliant with state law, therefore illegal for use.

63-New Mexico voting systems are in violation of at these specific state statues:

1-9-7.4 A, 1-9-7.4 B, Each of nine provisions of 1-9-14, 1-9-7.10 and 109-1A.

64-The Respondent House Members were placed into office with an election that was conducted contrary to law. Respondents do not have the right or constitutional authority to perform the duties of the offices they hold.

65-The Court will in all likelihood issue a writ of Quo Warranto, therefore irreparable harm will be suffered by Petitioner and the Citizens of the state of NM should the Court fail to grant injunctive relief as requested simply because the lawmakers did not have the right or authority to make laws that are to be effective May 15th 2024.

66-The State of NM would suffer no discernable ill effects with a stay of the subject laws as requested however the public would suffer the consequences of laws enacted by a body that made laws without right or constitutional authority.

Specific to Preliminary Injunction on non-compliant equipment:

67-Petitioners request for preliminary injunction is limited specific to the tabulation of the votes cast.

68-New Mexico election code does have in place statutory provisions for hand tabulation of votes, please see Sections 1-12-43 and 1-12-65.

Conclusion and Review Remedy Requested:

69-The issue of elections held within the guidelines of law and the legitimate constitutional authority of legislators to make laws is a basic tenant of our form of government especially considering our form of Government is Constitutional Republic with democratically elected representatives. We are a people governed by our own consent, that consent is enumerated largely within our Constitution and

laws made within the boundaries of that Constitution. The overall impact of this matter and this Federal Courts actions will have a direct and profound effect on the accountability of NM state government and the interest of its Citizens.

To review requested relief:

70-Petitioner is Petitioning this Court for a Writ of Quo Warranto to ascertain whether each of the Respondent House members is constitutionally and legally authorized to perform the duties of the office they currently occupy.

71-Petitioner is requesting a Preliminary Injunction to stay the effective date laws (bills) passed in the Second Session of the 56th Legislature (2024 Regular Session) except general appropriation bills or bills carrying an emergency clause pending issuance of Writ as requested.

72-Upon issuance of writ of Quo warranto Petitioner is requesting this Court issue a permanent injunction barring the enforcement of the laws subject of this matter.

73-Petitioner is requesting this court issue a preliminary injunction to suspend the use of existing non-compliant, malfunctioning tabulators pending proper certification of NM voting systems and correction of mechanical limitations relative to adjudication/ write-in receptacle.

Respectfully submitted:

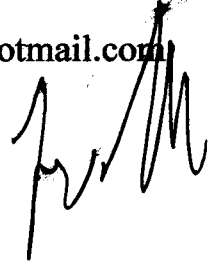
Larry Marker

PO Box 3188

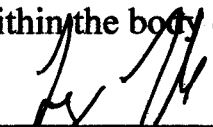
Roswell NM 88202

575-910-0300

larrym_gdc@hotmail.com

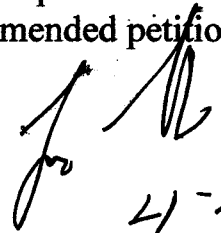


4-2-24

Petitioner Larry Marker swears under oath and threat of perjury that the statements and representations made within the body of this document are true and correct to the best of his knowledge.  Date 4-2-24

Certificate of service:

Petitioner is sending a copy of this "Second Amended Petition" To each Respondent via first class mail to their home address unless counsel is retained by Respondents prior to mailing in that instance the copy of the second amended petition will be provide to counsel for Respondent.



4-2-24

CERTIFICATION LAPSES

1 INTRODUCTION

The New Mexico Secretary of State (SOS) has failed in three respects to properly certify the election system:

1. The election system is not certified to the standard required by state law.
2. The testing lab hired by the SOS to certify the tabulators was not accredited at the time of certification, making their certification illegal and invalid.
3. The SOS has not certified the electronic pollbook system currently being used in New Mexico.

2 CERTIFICATION STATUTES

2.1 Federal Law

Federal law requires all states to comply with the mandatory sections of the Help America Vote Act (HAVA). HAVA outlines basic requirements that all electronic voting systems must meet and established the Election Assistance Commission (EAC) to assist states in oversight of their election systems.

The EAC has several functions:

1. Oversee the publication and maintenance of a document titled "Voluntary Voting System Guidelines" (VVSG), used as a standard for election system features and testing. The latest version is VVSG 2.0, which was adopted by the EAC in February 2021.
2. Accredited testing laboratories to be qualified to certify election systems in any state. Certification by an accredited lab is mandatory for all states. See 52 USC 20971(a)(2).¹
3. Oversee the certification of the election systems in the states that choose to use the EAC as their certifying agent.

2.2 New Mexico Law

NMSA 1-9-7.4 defines the roll of the Secretary of State and the choices of the New Mexico legislature regarding compliance with HAVA. Section A of this statute requires that the Secretary of State oversee the certification of the election system in New Mexico, meaning New Mexico has elected not to use the EAC as its certifying agent.² The statute also states that the election system *shall* be certified to the latest VVSG *adopted* by the EAC. The state also states that the election system *shall* be decertified if at any time the election system is found to be out of compliance with state statute or the latest *adopted* version of the VVSG.

¹ codes.findlaw.com/us/title-52-voting-and-elections/52-usc-sect-20971.html

² www.sos.state.nm.us/wp-content/uploads/2021/10/NM-Election-Handbook-SOS.pdf

EXHIBIT
A

3 NEW MEXICO'S ELECTION SYSTEM IS CERTIFIED TO THE WRONG STANDARD

On May 28, 2021, the SOS office sent a letter to Dominion Voting Systems requesting evidence of certification of the election system and version of software being used to tabulate votes in New Mexico. The letter states:

"While VVSG 2.0 was adopted by the EAC in February 2021, the EAC has not yet certified any independent voting system testing laboratories (VSTLs) to test and certify voting systems to these new standards. We understand that the National Institute of Standards and Technology (NIST) is in the process of developing the test processes and procedures for VSTLs. After these are adopted, the VSTLs will be required to earn accreditation with the EAC to test voting systems to the new VVSG 2.0 standards. Since this effort is likely to take some time, we plan to review our current voting systems based upon the previously adopted standards. Once the EAC has testing and certification procedures in place for VVSG 2.0, we will initiate a new voting system certification initiative." (Letter included as Reference 1).

However, at the time this letter was written by the SOS's office, the EAC had a statement on their website representing that the NIST had, in fact, already completed development of their test procedures and the EAC was ready to accept applications for testing labs to become accredited to the new standard (see Figure 1).³

<https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines>

1,951 captures

27 Mar 2017 - 23 Nov 2022

VVSG 2.0 Implementation Next Steps

Voting System Test Lab (VSTL) accreditation

- The new National Voluntary Lab Accreditation Program (NVLAP) handbook 150-22-2021 for lab accreditation has been published: <https://nvlpubs.nist.gov/nistpubs/hb/2021/NIST.HB.150-22-2021.pdf>
- EAC and NVLAP held a workshop with VSTLs in February to review changes to the new handbook and address any questions and concerns.
- The EAC is prepared for VSTL accreditation for VVSG 2.0, however, it is up to the labs on when to apply for accreditation.

Figure 1. Screenshot from EAC website

The EAC has since removed these statements from their website, possibly because of public outcry over the failure of governments and the election system companies to timely implement the new adopted standards. The new standards have several significant advancements in voting standards, and according

³ web.archive.org/web/20220502182858/https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines

to the EAC "...are desperately needed with improved cybersecurity, accessibility, and usability requirements. The VVSG 2.0 also supports various audit methods supporting software independence to confirm the accuracy of the vote and increase voter confidence...

The major updates included in the VVSG 2.0 are the following:

- *Improved cybersecurity requirements to secure voting and election management systems associated with the administration of elections.*
 - *Software independence*
 - *Requires systems to be air-gapped from other networks and disallows the use of wireless technologies*
 - *Physical security*
 - *Multi-factor authentication*
 - *System integrity*
 - *Data protection*
- *Interoperability*
 - *Ensures devices are capable of importing and exporting data in common data formats*
 - *Requires manufacturers to provide complete specifications of how the format is implemented*
 - *Requires that encoded data uses a publicly available method...*
- *Other Changes*
 - *Ballot secrecy*
 - *Improved auditability...*
- *Manuals*
 - *Penetration testing*
 - *Component testing pilot program..."⁴*

Many of the criticisms that have arisen since the controversial 2020 General Election are partially addressed by the updated standard – especially disallowing the use of wireless technologies, multi-factor authentication, penetration testing to identify system vulnerabilities, and improved auditability. The public is justifiably concerned that the current standard being applied to their voting machines is older than the smartphone and does not allow for the many vulnerabilities presented by modern technology.

It appears that the original intention of the EAC was to begin implementing the VVSG 2.0 version in 2021. However, the voting machine companies appear to have a desire to slow-walk the implementation of the new standard. ES&S, one of the three major election system vendors, states on their website: "full VVSG 2.0 systems will be submitted for testing soon after the 2024 general elections."⁵

There is a huge disconnect between New Mexico state law and the intentions of the election system testing labs and vendors. State law requires the election system comply with the latest EAC standard at the time of adoption which occurred in February 2021. However, it appears that the labs and vendors

⁴ www.eac.gov/news/2021/02/10/us-election-assistance-commission-adopts-new-voluntary-voting-system-guidelines-20

⁵ www.essvote.com/faqs/vvsg-2-0-faq/

have no interest in complying with the standard *until after the 2024 election*, even though the industry has been aware of the new standard since the inception of its development in 2015.

NMSA 1-9-7.4 is clear: "A voting system that does not comply with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission *shall be decertified for use in this state.*"

4 DOMINION VOTING SYSTEM IS NOT CERTIFIED

The previous section describes why the election system in New Mexico must be decertified because it does not conform to the latest EAC adopted standard. Supposing that issue did not exist, the election system must be decertified for other reasons because the testing lab hired by the SOS to certify the Dominion Voting system was not legally able to do so.

To prove their certification, Dominion Voting Systems pays a testing lab to run a series of tests on their tabulators and election management system to determine if they meet federal standards. The testing lab writes a "test report" with its findings, and that report is used by the SOS to show the equipment meets federal standards.

ProV&V was the testing lab chosen by Dominion. Their accreditation certificate from the EAC is included as Reference 2. Note that the expiration date of their accreditation was February 24, 2017:

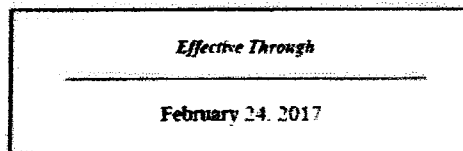


Figure 1. Expiration of ProV&V's Accreditation (see Reference 2)

The cover page for the test report for the Dominion Voting System version used in New Mexico is included as Reference 3. Note that the date the test report was published was August 24, 2017 – six months after the expiration of the lab's accreditation:

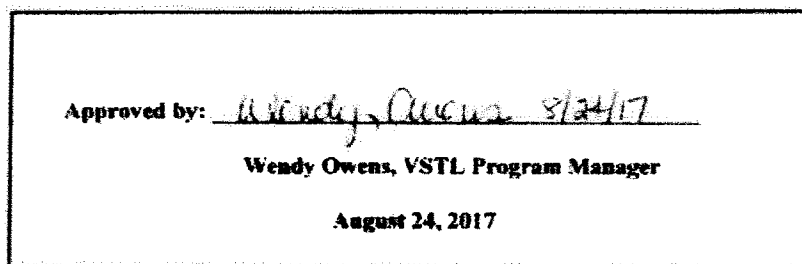


Figure 2. Date of Test Report for Dominion Voting Systems (see Reference 3)

This means that ProV&V improperly conducted the testing of New Mexico's election system since they were not accredited when they were testing the system. Both Dominion and New Mexico election officials failed to do due diligence to ensure ProV&V was accredited when they were hired. The test report should never have been accepted as it is illegal and invalid.

This lapse in accreditation wasn't even noticed by the election system vendors, the testing labs, the EAC, or any elected officials for *four years*. On March 10, 2020, the president of ProV&V wrote a letter to the EAC asking to get reaccredited (*Reference 4*). It took the EAC *eleventh months* to respond and re-accredit ProV&V (*Reference 5*). *The entire certification process for one of our most important national assets – the election system – was allowed to completely lapse for five years.*

There is no profession or industry in existence who would not face serious consequences for a similar breach in a process meant to protect the American people. Improperly providing services or manufacturing products where a certification, license, or accreditation is supposed to be in place would lead to jail time, fines, and loss of careers for anyone else. But when the election system vendors, the EAC, and election officials failed to maintain the lawful certification structure for the election system, they have faced no consequences whatsoever. Neither have they made any effort to remedy this serious lapse which affected most of the states in the country. This gross negligence on the part of the EAC, testing labs, and election system vendors breaks trust, destroys voter confidence, and should not be tolerated.

By law, the election system must be decertified for use in this state as it was never properly certified. The serious lapse in the entire oversight structure should cause the New Mexicans and the legislature to think very hard about the wisdom of outsourcing oversight of our election system to the SOS, EAC, and machine vendors. As things stand, hand counting paper ballots within individual counties would restore trust in the election system that the current structure has lost.

5 EPOLLBOOKS ARE NOT CERTIFIED OR EVEN CERTIFIABLE

The electronic pollbooks/ballot printing system (epollbooks) also require certification. The epollbooks are provided by two companies: Automated Election Services and ROBIS. The certification situation for them is even worse than for the Dominion tabulators. The test report the SOS claims certifies the epollbooks and ballot printers is dated December 1, 2011:

Test Report Rev 03	
December 1 st , 2011	
Prepared for:	
Client Name	Robis Elections
Governing Organization	State of New Mexico

Figure 3. Test Report (see Reference 6)

The problem with the eleven-year-old test report is that *the software on the epollbooks is updated multiple times per year*. The epollbook vendor confirmed that the software used in New Mexico is

automatically distributed over the internet to all the ePollbooks when it becomes available like a web-based application used on smartphones.

There is no possible way that the SOS can claim that the ePollbooks and ballot printing systems are certified if they have gone through dozens of iterations of software since they were last tested. The VVSGs explicitly state "After a system has completed initial certification testing, further examination of the system is required if modifications are made to hardware, software, or telecommunications."⁶ No state can legally use any product in their election system that is automatically updated over the internet without testing and buy-in from individual jurisdictions.

In addition to being uncertifiable, the ePollbooks are extremely vulnerable because they are internet connected. By monitoring the ePollbooks, it would be possible to determine who has cast a ballot, estimate the outcome, and determine which votes could be borrowed from those who haven't yet voted. The official ballots could also be obtained through this system and printed illegally.

By law, the ePollbooks must be decertified for use in this state as they are not certifiable. New Mexico must return to paper pollbooks as was the common practice just a few years ago.

6 THE STATE'S OWN POST-ELECTION AUDITS PROVE DOMINION TABULATORS FLIP VOTES

State and federal law allow for a maximum of error in election machines of 1 in 125,000 votes, or 0.0008%. This error rate is based on accuracy that had already been achieved using scanning technology in the early 2000's when the federal code governing electronic voting was written. It is an achievable goal. However, based on the post-election audits performed by the New Mexico SOS, our machines come nowhere near meeting this limit.

The post-election audits performed by the SOS involve selecting a limited number of counties, and a limited number of precincts within those counties. Ballots from those selected precincts are pulled, and a few of the races on them are hand counted. Then those ballots are run through a tabulator and the results of the hand count are compared to the tabulator count. *In every one of the post-election audits, tabulators were found to miscount and flip votes.*

Table 1 shows a summary of the results of the Risk Limiting Audits (RLA) performed after every election since 2012.⁷ The "Number of Errors" in the table are the number of errors made by the machines on this tiny subset of ballots that were examined across the state.

Table 1. Summary of Official Risk Limiting Audits Since 2012

Election	Number of Errors	Number of Times Error Exceeds the Legal Limit
2012 General	77	266
2014 General	4	101
2016 General	5	118
2018 General	52	318
2020 General	116	168

⁶ www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf, Section 4.3.3

⁷ www.sos.state.nm.us/voting-and-elections/voter-information-portal/election-audits-2/

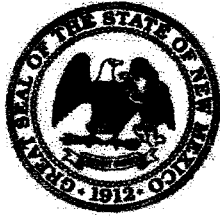
Based on the allowable error rate and the extremely small number of ballots included in the post-election audits – the audits must show zero error to meet state and federal law. But from the table, even the extremely limited RLAs performed by the SOS consistently show error rates hundreds of times higher than are allowable by law, but the SOS has made no effort to determine why these errors are occurring.

The machines do not meet the minimum accuracy requirements of the election code and must be decertified as a matter of law.

7 CONCLUSIONS

Polls consistently show that a solid majority of Americans have lost faith in the election system. This loss of faith is understandable given the failures of the SOS, EAC, and election system vendors to comply with state and federal law put in place to protect the sacred voices of the American people. Rather than admit their failures and take steps to rectify the negligent oversight, election officials and vendors have chosen instead to gaslight the American people and tell them their concerns are baseless.

This is a public crisis that must be addressed. The law gives the remedy: the electronic election system must be decertified. They must be replaced with a well-designed, local hand count overseen within individual counties. Hand counting procedures are already accepted by the SOS and are used on a subset of ballots in every election. We must use these procedures to count all the ballots.



STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

May 28, 2021

Melissa Romero
Dominion Voting Systems
melissa.romero@dominionvoting.com

Re: Recertification of Voting Systems

Dear Ms. Romero:

Pursuant to Section 1-9-7.4(A) NMSA 1978, the SOS is required to review for recertification each voting system already in use in the state in the year following a presidential election. All certified voting systems are required to be tested by an independent authority and comply with all requirements in the Election Code and the most recent voluntary voting system guidelines (VVSG) adopted by the United States Election Assistance Commission (EAC).

While VVSG 2.0 was adopted by the EAC in February 2021, the EAC has not yet certified any independent voting system testing laboratories (VSTLs) to test and certify voting systems to these new standards. We understand that the National Institute of Standards and Technology (NIST) is in the process of developing the test processes and procedures for VSTLs. After these are adopted, the VSTLs will be required to earn accreditation with the EAC to test voting systems to the new VVSG 2.0 standards. Since this effort is likely to take some time, we plan to review our current voting systems based upon the previously adopted standards. Once the EAC has testing and certification procedures in place for VVSG 2.0, we will initiate a new voting system certification initiative.

According to the Election Code, a "voting system" includes the equipment and peripherals used for casting and counting votes as well as the equipment and peripherals used for printing or marking ballots. The full legal definition of voting system can be found in Section 1-9-1(B) NMSA 1978.

To begin the testing and certification process required for recertification, we request that you submit the following information to our office no later than June 14, 2021:

1. The voting system and version that is being submitted for recertification.
2. A description of any modification to a hardware or software component or configuration of the voting system since the last time the system was certified for use in New Mexico, if applicable.
3. A description of how the system meets all of the applicable voting system requirements included in the New Mexico Election Code (see enclosures).

Page 2 of 2

4. A copy of the most recent VSTL report and proof of compliance on the system eligible for recertification. The report provided must come from an EAC accredited test laboratory.
5. Description of your transition plan to become certified to VVSG 2.0, if applicable.

If you intend to have multiple system models or firmware versions recertified, please submit a separate application for each system. Enclosed for your convenience is a copy of the requirements for voting systems outlined in Article 9 of the Election Code.

Upon completion of an examination of all recertification materials, the SOS may require additional information, testing, or inspection as deemed necessary to comply with the recertification requirements in statute. After the SOS has completed a full review of all required information, the SOS shall make a written report and post the report and recertification materials on the SOS website for a mandatory 21-day public comment period.

Following the period of public comment, the SOS shall submit the reports and any public comments to the Voting System Certification Committee (VSCC) for their consideration and to make a recommendation to the SOS for recertification of the voting systems.

If you have questions or require any further information regarding the re-certification process, please contact me at Mandy.Vigil@state.nm.us.

Sincerely,



Mandy Vigil
State Elections Director

Enclosures: As stated



United States Election Assistance Commission

REFERENCE 2

Certificate of Accreditation

Pro V&V, Inc.
Huntsville, Alabama

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2005 Voluntary Voting Systems Guidelines under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. Pro V&V is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.

<i>Effective Through</i>	
	February 24, 2017

Date: 2/24/15

Acting Executive Director, U.S. Election Assistance Commission

EAC Lab Code: 1501

REFERENCE 3

PRO V&V



Test Report

**Dominion Voting Systems
Democracy Suite (D-Suite) System
Version 5.4-NM
Certification Testing**

Approved by: _____

For
Michael Walker, VSTL Project Manager

Approved by: _____

Wendy Owens 8/24/17
Wendy Owens, VSTL Program Manager

August 24, 2017



Pro V&V, Inc.
6705 Odyssey Drive, Suite C
Huntsville, AL 35806

March 10, 2020

Jerome Lovato, Testing and Certification Director
U. S. Election Assistance Commission
Voting System Testing and Certification Program
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

Re: Letter of Agreement

Dear Mr. Lovato,

The undersigned representative of Pro V&V, Inc. (hereinafter "Laboratory"), being lawfully authorized to bind Laboratory and having read the EAC Voting System Test Laboratory Program Manual, accepts and agrees on behalf of Laboratory to follow the program requirements as laid out in Chapter 2 of the Manual. Laboratory shall meet all program requirements as they relate to NVLAP accreditation; conflict of interest and prohibited practices; personnel policies; notification of changes; resources; site visits, notice of law suits; testing, technical practices and reporting; laboratory independence; authority to do business in the United States; VSTL communications; financial stability; and recordkeeping. Laboratory further recognizes that meeting these program requirements is a continuing responsibility. Failure to meet each of the requirements may result in the denial of an application for accreditation, a suspension of accreditation or a revocation of accreditation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Cobb", is written over a horizontal line.

Jack Cobb, President
Pro V&V, Inc. Laboratory Director
256.713.1111
jack.cobb@provandv.com



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

REFERENCE 5

FROM: Jerome Lovato, Voting System Testing and Certification Director

SUBJECT: Pro V&V EAC VSTL Accreditation

DATE: 1/27/2021

Pro V&V has completed all requirements to remain in good standing with the EAC's Testing and Certification program per section 3.8 of the Voting System Test Laboratory Manual, version 2.0:

Expiration and Renewal of Accreditation. A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under Section 3.5.5.

Due to the outstanding circumstances posed by COVID-19, the renewal process for EAC laboratories has been delayed for an extended period. While this process continues, Pro V&V retains its EAC VSTL accreditation.

REFERENCE 6

Test Report

State of New Mexico Ballot on Demand Testing Program

Test Report Rev 03

December 1st, 2011

Prepared for:

Client Name	<i>Robis Elections</i>
Governing Organization	<i>State of New Mexico</i>

Prepared by:



216 16th St.
Suite 700
Denver, CO 80202
303-575-6881

www.SLIGlobalsolutions.com



NVLAP LAB CODE 200733-0

Accredited by the National Institute of Standards and Technology (NIST) National Voluntary Lab Accreditation Program (NVLAP), and accredited by the Election Assistance Commission (EAC) for VSTL status.

State of New Mexico Ballot on
Demand Testing Program


Template Rev 05-02, Doc 1

Confidential

Page 1 of 17

I, Erin Clements state and affirm that the statements and facts presented within the document package marked as Exhibit A. Titled as "Certification Lapses" attached to the Petition for Declaratory Judgement are to the best of my knowledge true and correct. My affirmation is limited to the Document package marked Exhibit A.

Package Exhibit A contains 15 pages including this statement page.

 Date 12/13/2022

Address 2251 La Paloma, Las Cruces, NM 88011

ERIN A. CLEMENTS being duly sworn does depose and say:

1. I reside at 2251 La Paloma, Las Cruces, New Mexico, 88011.
2. I earned bachelor's and master's degrees in civil engineering with structural emphasis. I am a registered professional engineer in New Mexico with 18.5 years' experience in infrastructure system analysis, design, construction, rehabilitation, planning, and forensic evaluation. My experience includes analyzing large sets of data representing interactions of human behavior with infrastructure systems to identify problems and anomalies, establish historical patterns, and project expected patterns for future growth. I have been studying election systems and the data they produce in depth since November 2020. I was a member of a team of national experts commissioned by the County Commission of Otero County, New Mexico to audit their 2020 election. I was part of other teams that conducted partial audits in 8 other New Mexico counties. I am familiar with election processes and election equipment used in New Mexico.
2. I make this affidavit in relation to my personal knowledge of the election data and election processes in New Mexico.
3. The voting system in New Mexico does not comply with the accuracy requirements of the Help America Vote Act, codified in 52 U.S.C. 20901 to 21145. Section 21081 requires voting systems comply with Section 3.2.1 of the Voting Systems Standards issued by the Election Assistance Commission (EAC), which states, "...the system shall achieve a target error rate of no more than one in 10,000 ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 ballot positions." This accuracy requirement is considered equivalent to 1 in 125,000 votes, or 0.0008%, according to the Election Assistance Commission's Voluntary Voting System Guidelines, Version 1.1.
4. The Secretary of State of New Mexico, Maggie Toulouse Oliver, publishes the results of small, limited audits that are performed after each general election on her website. These audits consider a small subset of the ballots from the election. Election officials hand count the ballots and run them through Dominion tabulators, compare the results, and report the error made by the machines. Table 1 shows a summary of the error rates reported by the Secretary of State for New Mexico's voting system:

Table 1. Official Error Rates for New Mexico's Voting System

Election	Maximum Error Rate	Number of Times Error Exceeds the Legal Limit*
2012 General	0.213%	266
2014 General	0.081%	101
2016 General	0.094%	118
2018 General	0.254%	318
2020 General	0.134%	168
2022 General	0.051%	64

EXHIBIT B

5. The Secretary of State's audit for the 2022 General Election also showed that the voting system provided by Dominion undercounted votes for write-in candidates by as much as 200 percent.

6. 52 U.S. Code, Section 20971 requires all electronic systems used in the United States to be certified by a testing lab which is accredited by the Election Assistance Commission (EAC). The voting system used in the 2018, 2020, and 2022 General Elections in New Mexico was not certified because the company used by New Mexico's Secretary of State to "certify" the system was itself not accredited by the EAC to do so.

On February 24, 2017, the EAC accreditation of a company called Pro V&V expired, see Figure 1.



Figure 1. Pro V&V's accreditation certificate expired February 24, 2017

On August 24, 2017, the SOS used this company to claim that they had certified New Mexico's tabulators and election software to the Voluntary Voting System Guidelines 1.1. However, they had no legal authority to do so. Figure 2 is the cover page of the "certification" report.

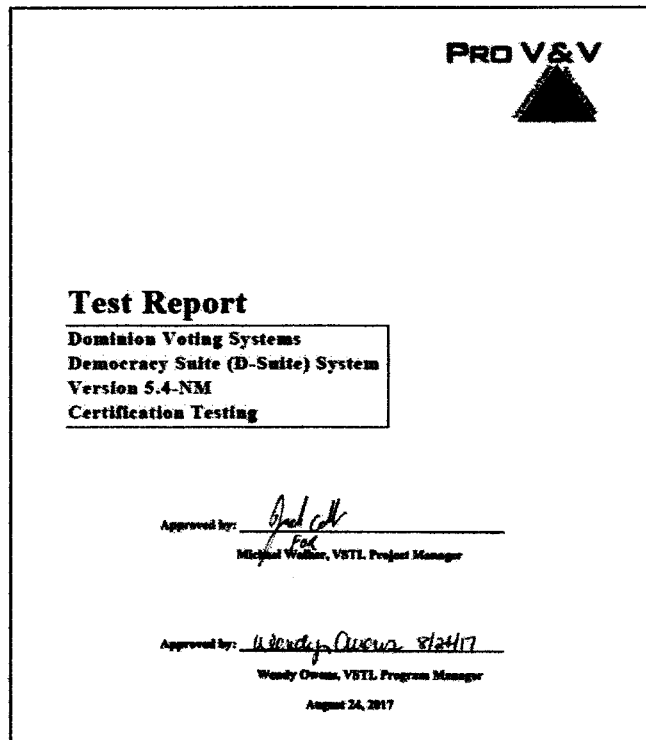


Figure 2. Certification Report for New Mexico's Voting System dated August 2017

Pro V&V's accreditation remained defunct until March 10, 2020, when they re-applied to the EAC to have their accreditation renewed. Figure 3 is the letter they sent to the EAC to re-apply for accreditation.

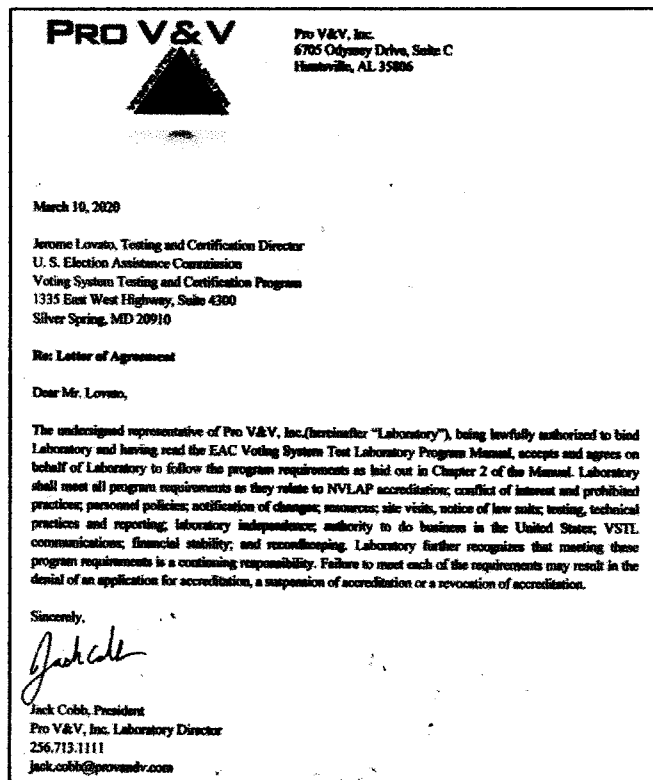


Figure 3. Pro V&V's Application to become Accredited with the EAC, dated March 2020

Almost one year later, the EAC renewed Pro V&V's accreditation and blamed COVID for the lapse, even though the accreditation had expired over three years before the start of COVID. Figure 4 is the letter the EAC sent to Pro V&V establishing their accreditation on January 27, 2021.

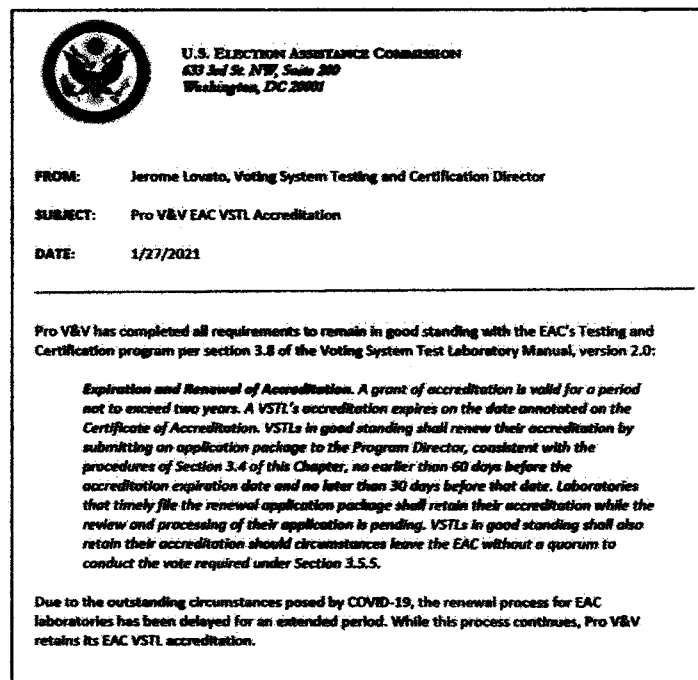


Figure 4. EAC's Accreditation of Pro V&V Labs, dated January 2021

Thus, the voting system used in New Mexico was not certified in accordance with federal law from 2017 through 2023, when the New Mexico Secretary of State took steps to install a different Dominion Voting System version after Pro V&V had become accredited.

7. The entire statewide voting system contains illegal, uncertified ranked choice voting software. Dominion Voting Systems states on its own website that Ranked Choice Voting is not EAC certified (see Figure 5). The "certification" documents for the voting system provided by the New Mexico Secretary of State also do not mention ranked choice voting software as having been part of the testing regimen performed by the unaccredited testing lab.

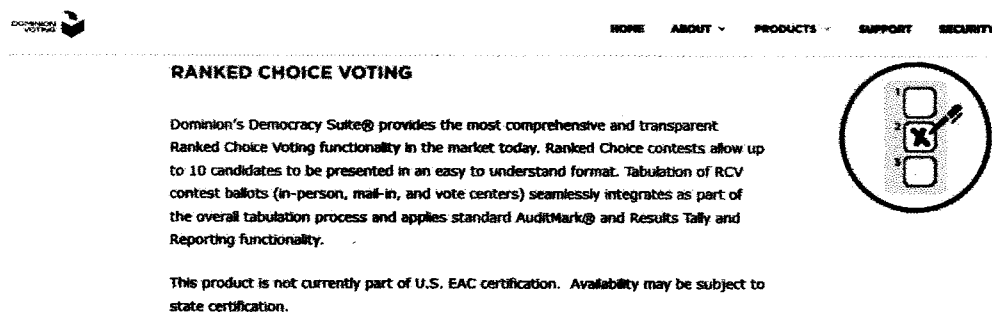


Figure 5. Dominion Software not EAC Certified

Ranked choice voting, therefore, has not been evaluated at all for compliance with HAVA, yet it is installed on every voting machine in New Mexico.

Figure 6 is a screenshot taken from a system log from a Dominion Voting System tabulator in Chaves County where the machine is prompting the operator to enter options for ranked choice voting.

```
"{5CD5780C-6949-415C-B6A2-17AF64454D43}" Info: "Results transfer connection type" Value: "1"
"{5FE6FCB5-11A3-4BD6-98DD-3688886ED127}" Info: "Ask for AVS ballot identifier" Value: "0"
"{606F3C32-3928-4AA3-86DD-655384698815}" Info: "Number of rank levels to report in [REDACTED]" Value: "1"
"{60CE6744-6D38-46CE-86DD-659370C5CC92}" Info: "Drop red color" Value: "0"
```

Figure 6. Screenshot from Dominion Audit Log

Further, a Dominion Voting Systems representative told officials in New Mexico that Ranked Choice Voting software is installed on every voting machine in New Mexico. The exchange is documented here: <https://estancia.news/soss-proposed-dominion-5-17-election-system-contains-illegal-software-isnt-certified-and-cannot-be-used-in-new-mexico/>

8. The EAC creates a document called the "Voluntary Voting System Guidelines" which defines the scope standards and scope that the testing labs must follow when they are evaluating voting systems. Section 1.1 of this document lists the parts of the system that must be tested and certified by an accredited lab:

"...all system hardware, software, telecommunications, and documentation intended for use to: prepare the voting system for use in an election, produce appropriate ballot formats, test that the voting system and ballot materials have been properly prepared and are ready for use, record and count votes, consolidate and report election results, display results on-site or remotely, produce and maintain comprehensive audit trail."

However, internal training documents show that the New Mexico Secretary of State is skirting these requirements and is doing the final processing of New Mexico elections on a completely uncertified, internet-connected, cloud-hosted software called SERVIS. SERVIS is a state specific version of a software called TotalVote, currently owned by KnowInk.

Figures 7 through 9 show the SOS instructing county election officials to upload both the election results and the election night reporting file to the uncertified software. Figure 10 is an internal email between the New Mexico State Elections Director and all New Mexico County Clerk where it is revealed that the canvass which is equivalent to the consolidated election results and comprehensive audit trail referenced in the Voluntary Voting System guidelines as being required to be performed on certified software are actually being performed on the internet and on completely uncertified software.

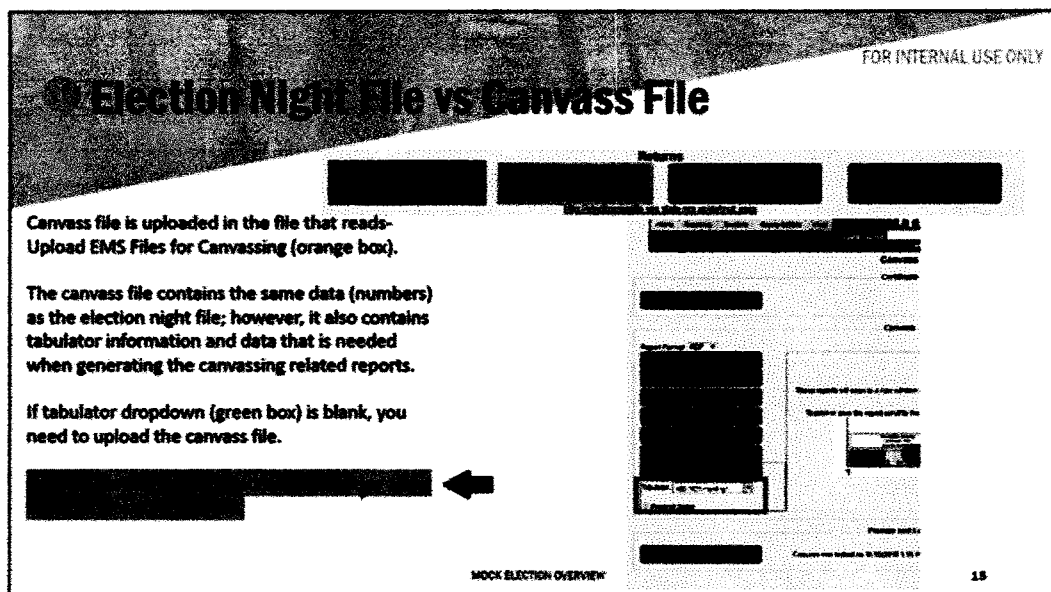


Figure 7. Excerpt from New Mexico SOS Internal Training Documents

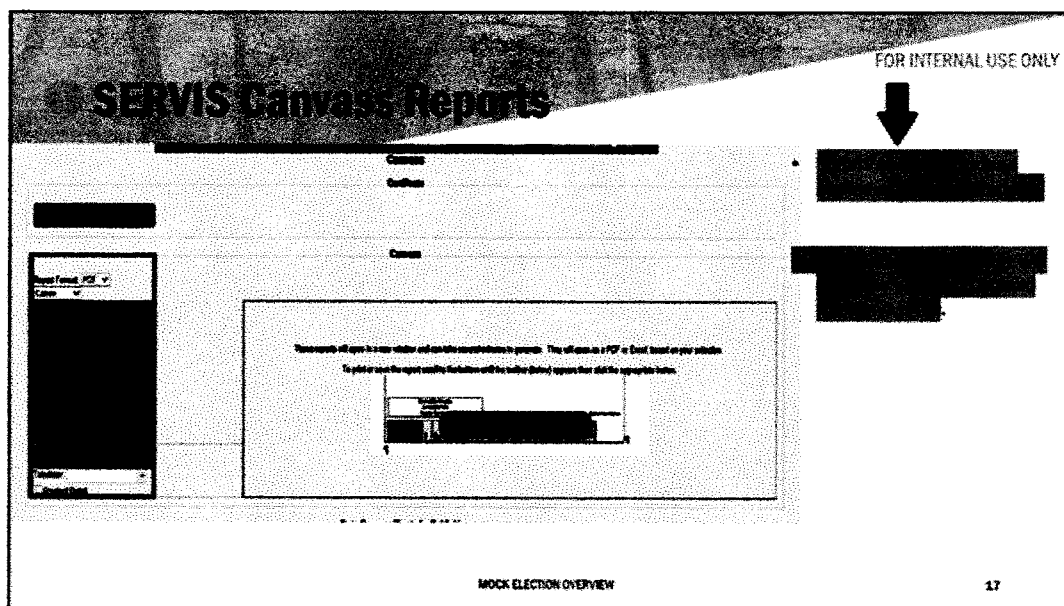


Figure 8. Excerpt from New Mexico SOS Internal Training Documents

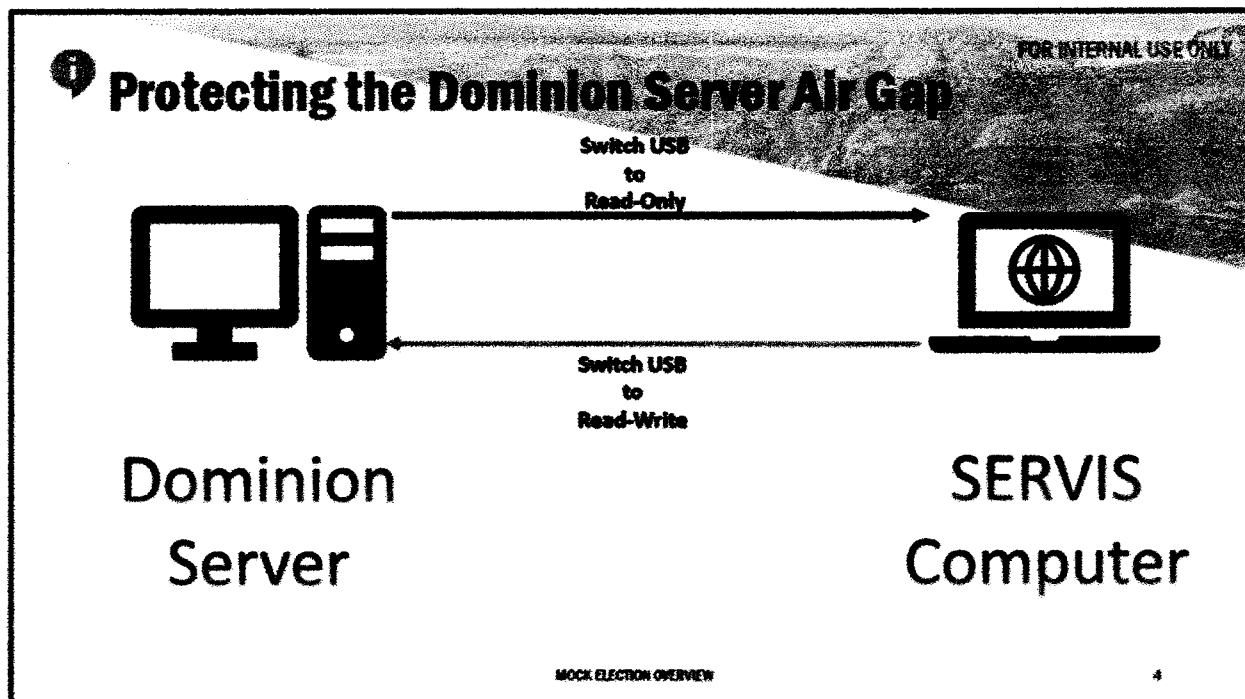


Figure 9. Excerpt from New Mexico SOS Internal Training Documents

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Saturday, November 12, 2022 2:54 PM
To: Chinana, Charlotte, SOS; SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS; francisco.padilla@dominionvoting.com
Subject: [EXTERNAL SENDER] RE: "Election Geek Speak" Slides / SOS State Canvass Timeline / Canvass Reminders

Hi all,

For those of you that have completed your canvass tasks, please lock you election in SERVIS. [REDACTED]

Thank you!

Figure 10. Excerpt from New Mexico State Elections Director to all New Mexico County Clerks

8. The Voluntary Voting System Guidelines also require that the data used for Election Night Reporting have no access path from the unofficial election results to the official election results. See Figure 11.

2.4.5 Election Night Reporting

Some voting systems offer the capability to make unofficial results available to external organizations such as the news media, political party officials, and others. Although this capability is not required, systems that make unofficial results available **shall**:

[REDACTED]

Figure 11. Excerpt from the Voluntary Voting System Guidelines

Figure 7 shows that both the unofficial results and the election night reporting file are both being uploaded to the internet-connected, uncertified SERVIS software for final processing of the election. Figure 9 shows that the county clerks are using the same USB device to transfer data from their Dominion Voting Systems computer over to the internet-connected SERVIS and back again, making a direct connection between the unofficial electronic reports and the storage devices for the official data.



STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

August 19, 2021

Melissa Romero
Dominion Voting Systems
Melissa.romero@dominionvoting.com

Re: Certification of Democracy Suite Voting System Version 5.4

Dear Ms. Romero

Thank you for presenting the Dominion Democracy Suite 5.4 voting system during the August 4, 2021 meeting of the Voting System Certification Committee (VSCC) for the committee's consideration of recommending certification of your voting system to the Secretary of State (SOS) as required pursuant to NMSA 1978 Section 1-9-7.2.

During the meeting, the VSCC members voted unanimously to recommend certification of your system to the SOS. Therefore, in accordance with NMSA 1978 Section 1-9-14(H), the Secretary of State is pleased to certify your system for use in elections in this state.

Please note, however, that Sections 1-9-7.4(B) and 1-9-14 NMSA 1978 require that all voting systems certified for use in New Mexico to comply with the most recent VVSG to maintain certification. While we understand that certification to VVSG 2.0 is not currently possible given the current stage of work at the Election Assistance Commission, it is imperative that you keep us informed of any progress, including a timeline and path toward certification, as work continues in this area.

In the meantime, if any functional changes are made to the voting system that may impact the current certification, your system will be required to go through testing and certification again to determine whether the system maintains all mandatory functionality required by the New Mexico election code and remains suitable for use in elections in the state. Please communicate any software or version changes to the SOS prior to implementing them for use.

Finally, please ensure that you provide updated source code escrow information for the voting systems and that New Mexico has been granted access pursuant to Section 1-9-7.11 NMSA 1978.

Thank you very much for your continued interest in working with our office and the county clerks and your diligent efforts in support of the successful conduct of elections in New Mexico. Should you have any further questions or concerns, please don't hesitate to contact my office.

Best Regards,

Maggie Toulouse Oliver

Maggie Toulouse Oliver
Secretary of State

Exhibit C

STATE OF NEW MEXICO
COUNTY OF SANDOVAL
THIRTEENTH JUDICIAL DISTRICT COURT

FILED
13th JUDICIAL DISTRICT COURT
Sandoval County
11/16/2022 1:46 PM
AUDREY GARCIA
CLERK OF THE COURT
DS

IN RE PETITION TO OPEN
CERTAIN BALLOT BOXES FROM
THE GENERAL ELECTION
HELD NOVEMBER 8, 2022

Case No. D-1329-CV-2022-01262

ANNE BRADY-ROMERO,
Sandoval County Clerk,
Petitioner.

Judge Eichwald

**ORDER GRANTING THE
SANDOVAL COUNTY CLERK'S PETITION
TO OPEN BALLOT BOXES FROM EARLY VOTING AND
THE GENERAL ELECTION HELD ON NOVEMBER 8, 2022**

The Court has reviewed the petition of Anne Brady-Romero, Sandoval County Clerk, for an order permitting her to open certain ballot boxes from early voting and the general election held on November 8, 2022, and the affidavit from Ernestina Y. Dominguez, director of the Bureau of Elections.

The Court finds that the Petitioner has shown just cause and will grant an order under NMSA § 1-13-14 (2015) to open certain ballot boxes from early voting and the general election.

The Court grants the Petitioner's request to open election-day ballot boxes from the Broadmoor Senior Center, Cielo Azul Elementary School, Bernalillo Senior Center, Community of Joy Lutheran Church, El Zocalo/Salazar Building, Jemez Valley Community Center, Elks Lodge #2500, First Baptist Church of Rio Rancho, La Madera

EXHIBIT
D


Volunteer Fire Station, Our Lady Queen of Angels, Puesta del Sol Elementary School, and Sandia Pueblo Community Center.

The Court grants the Petitioner's request to open the early voting ballot boxes for the Broadmoor Senior Center, Placitas Library, San Felipe Pueblo Headstart, St. Francis Episcopal Church, Plaza @ Enchanted Hills #F-120, Counselors Chapter House, and the Sandoval County Administrative Building D.

If the keys from those ballot boxes have been received through the mail by the Court, then those keys are ordered to be turned over to the Court's representatives so the locks may be opened. The Petitioner is also authorized to cut or break the locks on those ballot boxes.

The Court further grants the Petitioner's request to designate Michael Eshleman, Sandoval County Attorney; John M. Butrick, Deputy Sandoval County Attorney; or Diego Trujillo, Assistant Sandoval County Attorney, either individually or as a group, to witness Petitioner's opening of these ballot boxes as the Court's representatives.

It is so ordered.



George P. Eichwald,
District Court Judge

This order was drafted by:

/s/ John M. Butrick
John M. Butrick,
Deputy Sandoval County Attorney
P.O. Box 40
Bernalillo, New Mexico 87004
505-867-7536

505-771-7194 (fax)
jbutrick@sandovalcountynm.gov

STATE OF NEW MEXICO
COUNTY OF SANDOVAL
THIRTEENTH JUDICIAL DISTRICT COURT

FILED
13th JUDICIAL DISTRICT COURT
Sandoval County
11/14/2022 4:50 PM
AUDREY GARCIA
CLERK OF THE COURT
Audrey Garcia

IN RE PETITION TO OPEN
CERTAIN BALLOT BOXES FROM
THE GENERAL ELECTION
HELD NOVEMBER 8, 2022

ANNE BRADY-ROMERO,
Sandoval County Clerk,
Petitioner.

Case No. *D-1329-CV-2022-*

01262

Judge Eichwald

**ORDER GRANTING THE
SANDOVAL COUNTY CLERK'S PETITION
TO OPEN BALLOT BOXES FROM
THE GENERAL ELECTION HELD ON NOVEMBER 8, 2022**

The Court has reviewed the petition of Anne Brady-Romero, Sandoval County Clerk, for an order permitting her to open certain ballot boxes from the general election held on November 8, 2022, and the affidavit from Ernestina Y. Dominguez, director of the Bureau of Elections.

The Court finds that the Petitioner has shown just cause and will grant an order under NMSA § 1-13-14 (2015) to open certain ballot boxes from the general election.

The Court grants the Petitioner's request to open election-day ballot boxes from the Sandia Pueblo Community Center, the Jemez Valley Community Center, the San Ysidro Public Safety Room, the Corrales Recreation Center, and the Cornerstone Community Church.

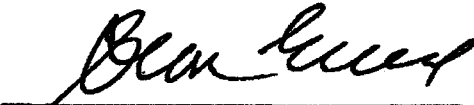
If the keys from those ballot boxes have been received through the mail by the Court, then those keys are ordered to be turned over to the Court's representatives so

EXHIBIT
D

the locks may be opened. The Petitioner is also authorized to cut or break the locks on those ballot boxes.

The Court further grants the Petitioner's request to designate Michael Eshleman, Sandoval County Attorney; John M. Butrick, Deputy Sandoval County Attorney; or Diego Trujillo, Assistant Sandoval County Attorney, either individually or as a group, to witness Petitioner's opening of these ballot boxes as the Court's representatives.

It is so ordered.



George P. Eichwald,
District Court Judge

This order was drafted by:

/s/ Michael Eshleman
Michael Eshleman,
Sandoval County Attorney
P.O. Box 40
Bernalillo, New Mexico 87004
505-404-5812
505-771-7194 (fax)
meshleman@sandovalcountynm.gov

AA

STATE OF NEW MEXICO
COUNTY OF VALENCIA
THIRTEENTH JUDICIAL DISTRICT COURT

FILED
13th JUDICIAL DISTRICT COURT
Valencia County
11/14/2022 1:02 PM
PHILLIP ROMERO
CLERK OF THE COURT

THE CLERK OF THE COUNTY OF VALENCIA,
Petitioner,

No D-1314-CV-2022-00708
JUDGE SMITH

IN THE MATTER OF:
OPENING A VALENCIA COUNTY BALLOT BOX.

ORDER TO OPEN A VALENCIA COUNTY BALLOT BOX

THIS MATTER having come before the Court on Valencia County Clerk Mike Milam's Verified Petition to open a ballot box from a Valencia County Voting Convenience Center 11 (Los Lunas Schools Administration) to secure write-in ballots that had been inadvertently locked in the Los Lunas Schools Administration ballot box, and the Court having considered the argument presented and being otherwise fully advised in the premises, finds the petition is well taken.

IT IS THEREFORE ORDERED that the petition is granted, and the Valencia County Clerk, or his designee, is directed to obtain keys 19 and 20 from the District Court to acquire the write-in ballots locked in the Los Lunas Schools Administration ballot box, to re-lock the box, and to cause keys 19 and 20 to be returned to the district Court.

IT IS THEREFORE FURTHER ORDERED that the ballot box be opened in the presence of a representative of each major political party, if such a representative is available upon reasonable notice.

IT IS SO ORDERED.


The Honorable Allen Smith

EXN:GJ
D

Respectfully submitted:

NANCE, PATO & STOUT, LLC

By: /s/

David M. Pato
P.O. Box 1119
Los Lunas, NM 87031
(575) 838-0911 x. 802
dave@npslawfirm.com

Attorney for the County of Valencia

STATE OF NEW MEXICO
COUNTY OF OTERO
12th DISTRICT COURT

OTERO CO. 12TH DISTRICT COURT
FILED '22 NOV 10 PM 4:09

ROBYN HOLMES
OTERO COUNTY CLERK,

Cause No. D-2015-M3-2022-L

CH
DOCKETED

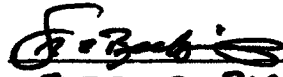
Petitioner

**ORDER ALLOWING FOR ACCESS TO, OPENING OF AND REMOVAL OF WRITE IN
BALLOTS AND PERMIT SHEETS FROM IMPOUNDED BALLOT BOXES FROM OTERO
COUNTY VOTER CONVENIENCE CENTERS 5, 7, and 9, FOR THE NEW MEXICO
GENERAL ELECTION HELD ON NOVEMBER 8, 2022**

THIS MATTER came before the Court upon the Petitioner's Emergency Motion allowing access to and to allow the opening of and removal of the ballot boxes from impound within the Otero County Clerk's Election for Voter Convenience Centers 5, 7, and 9 with Robyn Holmes, appearing through her counsel, the Court finds that the emergency motion is well taken and that it should be granted.

IT IS THEREFORE ORDERED:

1. Access to, opening and removal of write in ballots and permit sheets from the impounded ballot boxes from the aforementioned precincts is hereby allowed to take place by the Otero County Clerk in the County Clerk's Election Storage Office before election board and the Honorable Judge Blankenship's designee at 10:00 A.M. on Monday, November 14, 2022.
2. Petitioner, Robyn Holmes, Otero County Clerk, the Honorable Judge Blankenship's designee, members of the Election Board, shall be present at all times during such access or the aforementioned ballot boxes.
3. The Aforementioned ballot boxes shall be immediately re-sealed and locked up, and the keys returned to Judge Counts designated representative.


STEVEN E. BLANKENSHIP
The Honorable 12th Judicial District Judge

Prepared and submitted by:

R. B. Nichols, Esq



R. B. Nichols, Esq.

Otero County Attorney

1101 New York Ave.

Alamogordo, NM 88310

(575) 437-7424

Attorney for Petitioner, Robyn Holmes, Otero County Clerk

EXHIBIT
D

FILED IN OPEN COURT ON THIS 8 DAY OF
NOVEMBER, 2022 AT 9:56 AM/PM

BY: Jason Lidyard
DISTRICT COURT JUDGE

STATE OF NEW MEXICO
COUNTY OF RIO ARRIBA
FIRST JUDICIAL DISTRICT

IN RE: LOCKED BALLOT BOX IN RIO ARRIBA COUNTY

Case No.: D-117-CV-2022- 00346

THE RIO ARRIBA COUNTY CLERK,

Petitioner.

ORDER TO OPEN LOCKED BALLOT BOX

FILED
FIRST JUDICIAL
DISTRICT COURT
2022 NOV -9 AM 9:03


THIS MATTER having been presented for consideration through a Petition filed by the Rio Arriba County Clerk, and the Court having determined the reasons stated in the Petition to be reasonable and appropriate,

THIS COURT HEREBY ORDERS that the County Clerk shall, in the Office of the County Clerk in Tierra Amarilla, New Mexico, open the ballot box for VCC 1 (precincts 1, 2 and 3) and retrieve all paper ballots cast containing votes for write-in candidates that were inadvertently locked inside by poll-workers. This opening shall take place immediately and as soon as possible, this evening of November 8, 2022. The undersigned judge will attend in person to witness the opening of the ballot box in VCC 1.

THIS COURT FURTHER ORDERS that the County Clerk shall, in the Office of the County Clerk in Española, New Mexico, open the Ballot Boxes for VCC 16 (precinct 59) and VCC 20 (precincts 67, 68 and 69) and retrieve all paper ballots cast containing votes for write-in candidates that were inadvertently locked inside by poll-workers. This opening shall take place immediately and as soon as possible, this evening of November 8, 2022. The Court hereby appoints Rio Arriba County IT Infrastructure

EXHIBIT
0

Program Manager Paul Cordova as the Court's representative, to attend with the ballot box keys for the ballot boxes in VCC's 16 and 20.


The Honorable Jason Lidyard
District Court Judge

Prepared and Submitted By:

/s/
Adán E. Trujillo
Rio Arriba County Attorney

Parties entitled to notice:

Joann Salazar
County Chair of Democratic Political Party
P.O. Box 1007
Española, NM 87532
joannvsalazar@hotmail.com

Nadine Trujillo, Chair
Republican Party
91 B Feather Catcher Road
Santa Fe, NM 87506
trujillonadine1@gmail.com

Chris Luchini
Libertarian Party Chairman
8100 Wyoming Blvd. NE, Ste. M4, #341
Albuquerque, NM 87113
chair@lpnm.us

Maggie Toulouse Oliver, Secretary of State
New Mexico State Capitol
325 Don Gaspar, Suite 300
Santa Fe, NM 87503
(505) 827-3600
Maggie.Toliver@state.nm.us

STATE OF NEW MEXICO
COUNTY OF RIO ARRIBA
FIRST JUDICIAL DISTRICT

FILED 1st JUDICIAL DISTRICT COURT
Rio Arriba County
11/10/2022 3:08 PM
KATHLEEN VIGIL CLERK OF THE COURT
Marquel Gonzales-Aragon

IN RE: LOCKED BALLOT BOXES IN RIO ARRIBA COUNTY

Case No.: D-117-CV-2022-00361

**LINDA J. PADILLA,
RIO ARRIBA COUNTY CLERK,**

Petitioner.

ORDER TO OPEN LOCKED BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Rio Arriba County Clerk, and the Court having determined the reasons stated in the Petition to be reasonable and appropriate,

THIS COURT HEREBY ORDERS that the County Clerk shall, in the County Clerk's Election Warehouse in Española, New Mexico, open the Ballot Boxes for the following voting convenience centers and precincts and retrieve all paper ballots cast containing votes for write-in candidates that were inadvertently locked inside by precinct poll-workers:

Voting Convenience Center 8 – Abiquiu and Cañones, Precincts 26 and 35
(Abiquiu Rural Events Center)

Voting Convenience Center 18 – West Española, South Española and Española,
Precincts 61, 62 and 66 (Lucero Center Gymnasium)


Voting Convenience Center 22 – Cordova, Truchas and Ojo Sarco, Precincts 72, 73
and 74 (Truchas Senior Center)

This opening shall take place on _____, November 10, 2022 at

3:00AM(PM.) The Court hereby appoints Bureau of Elections Chief Michele Jordan as

EXHIBIT
D

the Court's representative, to attend with the ballot box keys for the above-mentioned ballot boxes.


The Honorable Jason Lidyard
District Court Judge

Prepared and Submitted By:

/s/
Adán E. Trujillo
Rio Arriba County Attorney

Parties entitled to notice:

Joann Salazar
County Chair of Democratic Political Party
P.O. Box 1007
Española, NM 87532
joannvsalazar@hotmail.com

Nadine Trujillo, Chair
Republican Party
91 B Feather Catcher Road
Santa Fe, NM 87506
trujillonadine1@gmail.com

Chris Luchini
Libertarian Party Chairman
8100 Wyoming Blvd. NE, Ste. M4, #341
Albuquerque, NM 87113
chair@lpnm.us

Maggie Toulouse Oliver, Secretary of State
New Mexico State Capitol
325 Don Gaspar, Suite 300
Santa Fe, NM 87503
(505) 827-3600

IN THE NINTH JUDICIAL DISTRICT COURT
COUNTY OF ROOSEVELT
STATE OF NEW MEXICO

IN THE MATTER OF THE OPENING
OF BALLOT BOXES IN ROOSEVELT COUNTY

NINTH JUDICIAL DISTRICT
ROOSEVELT COUNTY, NM
FILED IN MY OFFICE

2022 NOV 10 PM 2: 27

Rita L. Herrera
CLERK DISTRICT COURT
D911-MS-2022000016

ORDER GRANTING PETITION TO OPEN BALLOT BOXES

THIS MATTER came before the Court upon Petitioners' Petition to Open Ballot Boxes in Roosevelt County so that the Clerk may retrieve ballots with write-in votes, that those ballots may be qualified and tallied as required by law, and so that the Roosevelt County Clerk is able to provide necessary information to the New Mexico Secretary of State's Office. The Court having reviewed the Petition and being otherwise fully advised in the premises, finds that the Petition is well-taken and should be **GRANTED**.

IT IS HEREBY ORDERED that the County Clerk may open the Memorable Building VCC box, the Dora VCC box, the Floyd VCC box, and the Clerk early voting and absentee boxes in the presence of the County Absentee Board in accordance with §§ 1-13-8 and 1-13-14 for the purpose of qualifying and tallying the write-in votes.



DISTRICT COURT JUDGE

EXHIBIT
0

Submitted by:

Michael I. Garcia
NM LOCAL GOVERNMENT LAW, LLC
8100 Wyoming Blvd. NE, Ste. M4 #424
Albuquerque, NM 87113-1963
(505) 889-0983
michael@nmlgl.com

Parties Entitled to Notice

Michael I. Garcia
NM LOCAL GOVERNMENT LAW, LLC
8100 Wyoming Blvd. NE, Ste. M4 #424
Albuquerque, NM 87113-1963
(505) 889-0983
michael@nmlgl.com

Mandi Park
Roosevelt County Clerk
109 W 1st St #106
Portales, NM 88130
mpark@rooseveltcournty.com

**STATE OF NEW MEXICO
COUNTY OF ROOSEVELT
NINTH JUDICIAL DISTRICT COURT**

**IN THE MATTER OF THE OPENING
OF BALLOT BOXES IN ROOSEVELT COUNTY**

NINTH JUDICIAL DISTRICT
ROOSEVELT COUNTY, NM
CLERK'S OFFICE

2022 NOV 21 AM 9:41

Reto P. Herrera
DOFFMS-2022-00010

ORDER GRANTING PETITION TO OPEN BALLOT BOXES

THIS MATTER came before the Court upon Petitioners Board of County Commissioners and Roosevelt County Clerk's Petition to Open Ballot Boxes in Roosevelt County so that the Clerk may UOCAVA votes, that those ballots may be qualified and tallied as required by law, and so that the Roosevelt County Clerk is able to provide necessary information to the New Mexico Secretary of State's Office. The Court having reviewed the Petition and being otherwise fully advised in the premises, finds that the Petition is well-taken and should be **GRANTED**.

IT IS HEREBY ORDERED that the County Clerk may open the ballot boxes in the presence of the County Absentee Board in accordance with §§ 1-13-8 and 1-13-14 for the purpose of qualifying and tallying the UOCAVA votes.

IT IS FURTHER ORDERED that Deputy County Clerk Nath Baca, Roosevelt County Clerk Mandi Park, District Judge Mowrer or her designee, are authorized to be present for the opening of the ballot box, and it is not necessary that the entire absentee board be present.

Donna J. Mowrer
DISTRICT COURT JUDGE

Page Break
Submitted by:

EXHIBIT
0

Michael I. Garcia
NM Local Government Law, LLC
6121 Indian School Road, NE, St. 210
Albuquerque, NM 87110
(505) 889-0983
michael@nmlgl.com

Page Break
Parties Entitled to Notice

Michael I. Garcia
NM Local Government Law, LLC
6121 Indian School Rd, NE Ste. 210
Albuquerque, NM 87110
(505) 889-0983
michael@nmlgl.com

STATE OF NEW MEXICO
COUNTY OF TORRANCE
SEVENTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO
COUNTY OF TORRANCE
SEVENTH JUDICIAL DISTRICT COURT
FILED
Susan Rossignol
NOV 15 2022

3:45 pm
Alisa Smith Clerk

D-722-MS-2022-00001

IN THE MATTER OF THE OPENING
OF BALLOT BOXES IN TORRANCE COUNTY

**ORDER GRANTING ADDENDUM TO ORIGINAL PETITION TO
OPEN BALLOT BOXES**

THIS MATTER came before the Court upon Petitioners Board of County Commissioners and Torrance County Clerk's Petition to Open Ballot Boxes in Torrance County so that the Clerk may retrieve ballots with write-in votes, that those ballots may be qualified and tallied as required by law, and so that the Torrance County Clerk is able to provide necessary information to the New Mexico Secretary of State's Office. The Court having reviewed the Petition and being otherwise fully advised in the premises, finds that the Petition is well-taken and should be GRANTED.

IT IS HEREBY ORDERED that the County Clerk, and the Court's designee Denise Lujan, are authorized to observe and open the specific ballot box: *Absentee by Mail Torrance County Administrative Building*, in the presence of the County Absentee Board in accordance with §§ 1-13-8 and 1-13-14 for the purpose of qualifying and tallying the write-in votes.

Shannon Murdock

DISTRICT COURT JUDGE SHANNON MURDOCK
DIVISION III

EXHIBIT
0

Submitted by:

Michael I. Garcia
NM Local Government Law, LLC
8100 Wyoming Blvd. NE, Ste. M4 #424
Albuquerque, NM 87113-1963
(505) 889-0983
michael@nmlgl.com

Parties Entitled to Notice

Michael I. Garcia
NM Local Government Law, LLC
8100 Wyoming Blvd. NE, Ste. M4 #424
Albuquerque, NM 87113-1963
(505) 889-0983
michael@nmlgl.com

Sylvia Chavez, Chief Deputy Clerk
Torrance County Clerk
PO Box 767
205 S 9th Street
Estancia, NM 87016
505-544-4350 main line
505-544-4363 direct line
schavez@tcnm.us

STATE OF NEW MEXICO
COUNTY OF TORRANCE
SEVENTH JUDICIAL DISTRICT COURT
FILED

Susan Rossignol
NOV 15 2022

STATE OF NEW MEXICO
COUNTY OF TORRANCE
SEVENTH JUDICIAL DISTRICT COURT

Timed 2:10pm
Olga Smith Clerk

D-722-MS-2022-00001

IN THE MATTER OF A PETITION
TO OPEN ELECTION BALLOT BOXES

ORDER

THIS MATTER HAVING COME BEFORE THE COURT to open 3 election ballot boxes in Torrance County in order to retrieve the ballots with write-in votes. The Court having been fully advised **FINDS** the following:

1. It is necessary for the Torrance County Clerk's Office to retrieve ballots with write-in votes so the votes may be qualified and tallied.
2. Pursuant to NMSA 1978 §§1-13-8 & 1-13-14 NMSA the opening of the ballot boxes to correct omissions or negligence is allowed so long as in the presence of the County Canvassing Board by the County Clerk and / or by the District Judge and or someone designated by the District Judge.
3. Trial Court Administrative Assistant to District Court Judge Shannon Murdock, D. Denise Lujan is appointed as designee to observe and certify the opening of the ballot boxes and to retrieve the ballots with write-in votes.

IT IS SO ORDERED.

Shannon Murdock

District Court Judge Shannon Murdock
Division III

EXH: B-1
0

STATE OF NEW MEXICO
COUNTY OF TORRANCE
SEVENTH JUDICIAL DISTRICT COURT
IN THE MATTER OF THE OPENING
OF BALLOT BOXES IN TORRANCE COUNTY

STATE OF NEW MEXICO
COUNTY OF TORRANCE
SEVENTH JUDICIAL DISTRICT COURT
FILED

Susan Rossignol
NOV 15 2022

Time: 2:10 pm
Elisa Smith Clerk

D-722-MS-2022-1

ORDER GRANTING PETITION TO OPEN BALLOT BOXES

THIS MATTER came before the Court upon Petitioners Board of County Commissioners and Torrance County Clerk's Petition to Open Ballot Boxes in Torrance County so that the Clerk may retrieve ballots with write-in votes, that those ballots may be qualified and tallied as required by law, and so that the Torrance County Clerk is able to provide necessary information to the New Mexico Secretary of State's Office. The Court having reviewed the Petition and being otherwise fully advised in the premises, finds that the Petition is well-taken and should be GRANTED.

IT IS HEREBY ORDERED that the County Clerk may open the specific ballot boxes at Early-In Person Torrance County Administration Building, Early-In Person Alternate Moriarty Civic Center, Moriarty Civic Center (election day), Torreon Community Center, and the Estancia High School Gymnasium in the presence of the County Absentee Board in accordance with §§ 1-13-8 and 1-13-14 for the purpose of qualifying and tallying the write-in votes.


DISTRICT COURT JUDGE

EXH: B: T
D

Submitted by:

Michael I. Garcia
NM Local Government Law, LLC
8100 Wyoming Blvd. NE, Ste. M4 #424
Albuquerque, NM 87113-1963
(505) 889-0983
michael@nmlgl.com

Parties Entitled to Notice

Michael I. Garcia
NM Local Government Law, LLC
8100 Wyoming Blvd. NE, Ste. M4 #424
Albuquerque, NM 87113-1963
(505) 889-0983
michael@nmlgl.com

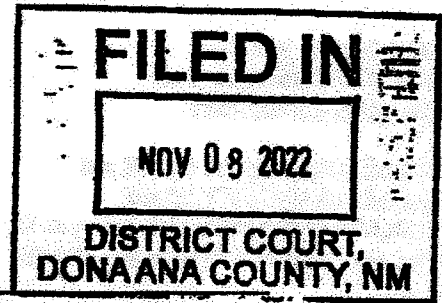
Sylvia Chavez, Chief Deputy Clerk
Torrance County Clerk
PO Box 767
205 S 9th Street
Estancia, NM 87016
505-544-4350 main line
505-544-4363 direct line
schavez@tcom.us

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.

No.
Judge



ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-6 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-6 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Organ Mountain High School for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge


MANUEL E. ARRIBAS is the Court's representative to attend.


District Court Judge

November 8, 2022 @ 9:22 PM
Date and time of signature

MANUEL E. ARRIBAS
Printed Name

Prepared and Submitted By:


Fred Kenyon
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

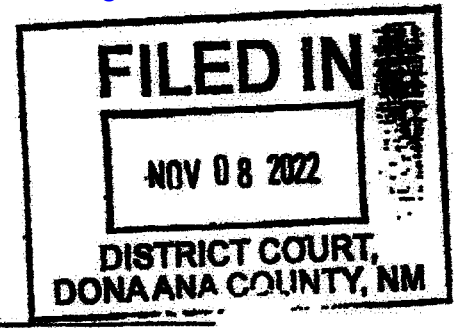
EXH. B-1
0

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.

No.
Judge



ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.


THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day, Doña Ana County Government Center for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge MANUEL L. ARRIETA is the Court's representative to attend.


District Court Judge

November 8, 2022 @ 10:15 PM
Date and time of signature

MANUEL L. ARRIETA
Printed Name

Prepared and Submitted By:

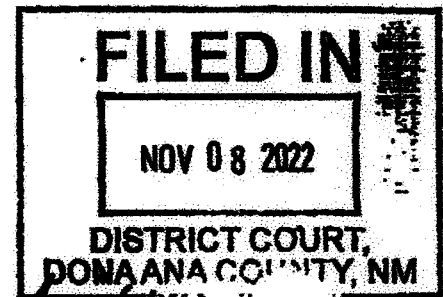

Fred Kenton
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.

No.
Judge



ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day, Sonoma Elementary for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge


MANUEL I. FALISTA is the Court's representative to attend.


District Court Judge

November 8, 2022 @ 11:16 AM
Date and time of signature

MANUEL I. FALISTA
Printed Name

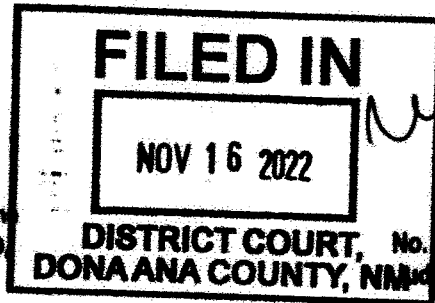
Prepared and Submitted By:


Fred Kenyon
Deputy County Attorney
P.O. Box 2628
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD

Petitioner.



MS 2022-1

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day, Berino Elementary School for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

RICHARD JACQUEZ is the Court's representative to attend.

A handwritten signature in black ink, appearing to be "Richard Jacquez", written over a horizontal line.

District Court Judge

11/16/2022 @ 5:19 PM
Date and time of signature

RICHARD JACQUEZ
Printed Name

Prepared and Submitted By:

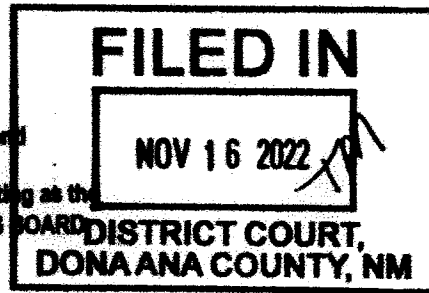
A handwritten signature in black ink, appearing to be "Fred Kerton", written over a horizontal line.

Fred Kerton
Deputy County Attorney
P.O. Box 2526
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD

Petitioner.



MS-2022-1

Richard M. Jaquez

No. _____
Judge _____

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Camino Real Middle School for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

RICHARD M. JACQUEZ is the Court's representative to attend.

A handwritten signature in black ink, appearing to read "Richard M. Jaquez", written over a horizontal line.

District Court Judge

11/16/2022 @ 2:43 PM
Date and time of signature

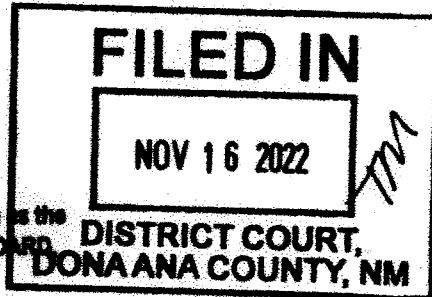
RICHARD M. JACQUEZ
Printed Name

Prepared and Submitted By:

A handwritten signature in black ink, appearing to read "Fred Kerrison", written over a horizontal line.
Fred Kerrison
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD



No.
Judge

MS-2022-1

Richard M. Jacquez

Petitioner.

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: East Picacho Elementary for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

Richard M. Jacquez is the Court's representative to attend.

A large, stylized handwritten signature of Richard M. Jacquez in black ink.

District Court Judge

11/16/2022 @ 5:18pm
Date and time of signature

RICHARD JACQUEZ
Printed Name

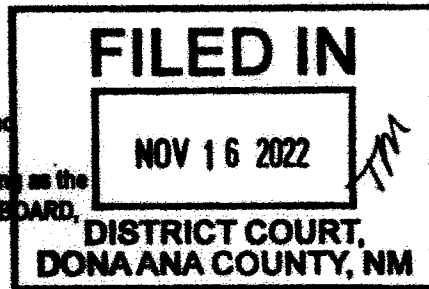
Prepared and Submitted By:

A handwritten signature of Fred Kention in black ink.
Fred Kention
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.847.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No. MS-2022-1
Judge Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.


THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day, Fairacres Elementary for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge RICHARD M. JACQUEZ is the Court's representative to attend.


District Court Judge

11/16/2022 @ 2:45 PM
Date and time of signature

RICHARD M. JACQUEZ
Printed Name

Prepared and Submitted By:


Fred Kelson
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD

FILED IN

NOV 16 2022

**DISTRICT COURT,
DOÑA ANA COUNTY, NM**

No.
Judge

MS-2022-1

Richard M. Jacquez

Petitioner.

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Frank O'Brien Popen Center for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge


Richard M. Jacquez is the Court's representative to attend.


District Court Judge

11/16/2020 @ 5:21 PM
Date and time of signature

Richard M. Jacquez
Printed Name

Prepared and Submitted By:


Fred Kannon
Deputy County Attorney
P.O. Box 2628
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.

FILED IN

NOV 16 2022

DISTRICT COURT,
DONA ANA COUNTY, NM

No.
Judge

MS-2022-1
Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Jornada Elementary for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge RICHARD JACQUEZ is the Court's representative to attend.



District Court Judge

11/16/2022 @ 5:25pm
Date and time of signature

Richard Jacquez
Printed Name

Prepared and Submitted By:

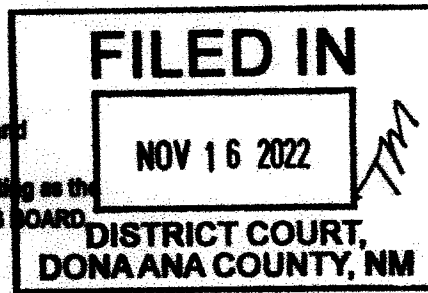


Fred Kerkon
Deputy County Attorney
P.O. Box 2628
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD

Petitioner.



MS-2022-1
No. Richard M. Jacquez
Judge _____

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: La Mesa Fire Station for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

RICHARD JACQUEZ is the Court's representative to attend.

A handwritten signature in black ink, appearing to read "Richard M. Jacquez".

District Court Judge

11/16/2022 @ 5:23pm
Date and time of signature

RICHARD JACQUEZ
Printed Name

Prepared and Submitted By:

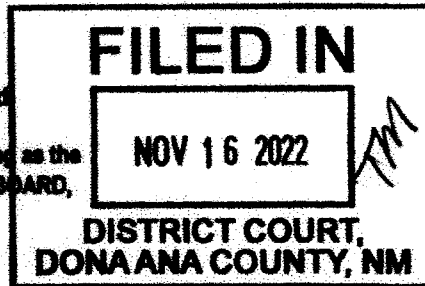
A handwritten signature in black ink, appearing to read "Fred Kention".

Fred Kention
Deputy County Attorney
P.O. Box 2525
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



ORDER TO OPEN BALLOT BOXES

MS-2022-1
No. Richard M. Jacquez
Judge

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Las Alturas Fire Station for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

RICHARD M. JACQUEZ is the Court's representative to attend.

A handwritten signature in black ink, appearing to read "Richard M. Jacquez".

District Court Judge

11/16/2022 @ 2:37 PM

Date and time of signature

RICHARD M. JACQUEZ

Printed Name

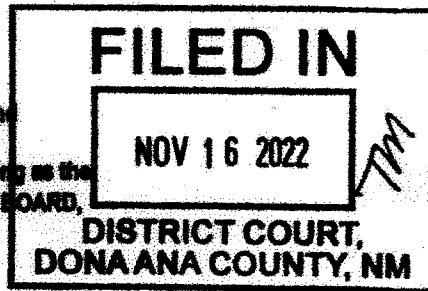
Prepared and Submitted By:

A handwritten signature in black ink, appearing to read "Fred Killion".
Fred Killion
Deputy County Attorney
P.O. Box 2628
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No.
Judge

MS-2022-1
Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Las Cruces City Hall for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

Richard M. Jacquez is the Court's representative to attend.

A handwritten signature in black ink, appearing to read "Richard M. Jacquez".

District Court Judge

11/16/2022 @ 2:44 PM
Date and time of signature

RICHARD M. JACQUEZ
Printed Name

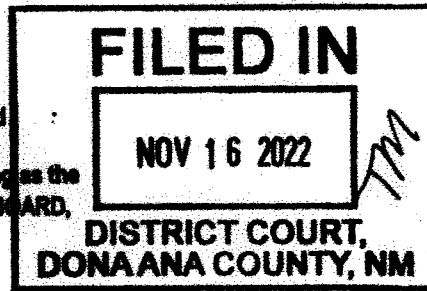
Prepared and Submitted By:

Fred Karrison
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.847.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No.
Judge

MS-2022-1
Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day, Las Cruces High School for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge


RICHARD M. JACQUEZ is the Court's representative to attend.


District Court Judge

11/16/2022 @ 2:42 PM
Date and time of signature

RICHARD M. JACQUEZ
Printed Name

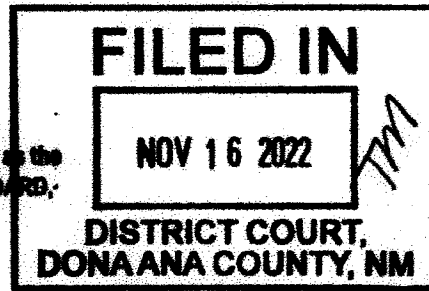
Prepared and Submitted By:


Fred Kerkon
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



ORDER TO OPEN BALLOT BOXES

MS-2022-1

Richard M. Jacquez

No.
Judge

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Loma Heights Elementary for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge _____ is the Court's representative to attend.

District Court Judge

11/11/2022 @ 9:31 AM

Date and time of signature

RICHARD M. JACQUEZ

Printed Name

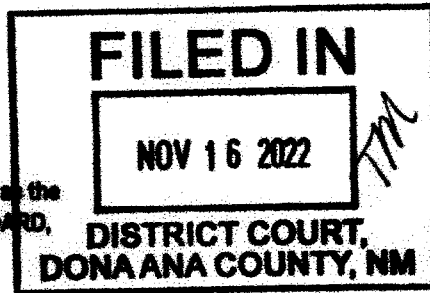
Prepared and Submitted By:

Fred Kanton
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No.
Judge

MS-2022-1
Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Lynn Middle School for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

Richard M. Jacquez is the Court's representative to attend.

A handwritten signature in black ink, appearing to read "Richard M. Jacquez", written over a horizontal line.

District Court Judge

11/16/2022 @ 2:38pm

Date and time of signature

RICHARD M. JACQUEZ

Printed Name

Prepared and Submitted By:

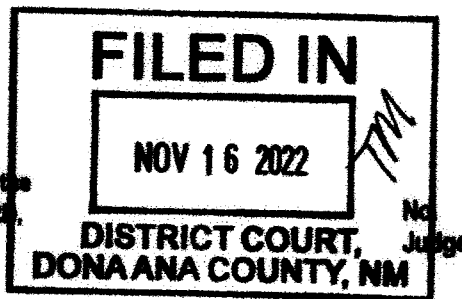
A handwritten signature in black ink, appearing to read "Fred Rendon", written over a horizontal line.

Fred Rendon
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



MS-2022-1
Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Mayfield High School for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

Richard M. Jacquez is the Court's representative to attend.

A large, stylized handwritten signature in black ink, appearing to read "Richard M. Jacquez".

District Court Judge

11/16/2020 @ 2:37 PM

Date and time of signature

RICHARD M. JACQUEZ

Printed Name

Prepared and Submitted By:

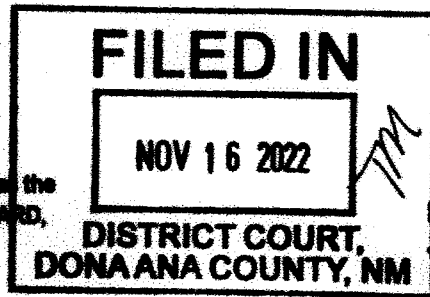
A handwritten signature in black ink, appearing to read "Fred Kenyon".

Fred Kenyon
Deputy County Attorney
P.O. Box 2628
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No.
Judge

MS-2022-1
Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day, Mesilla Elementary for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

Richard M. Jacquez is the Court's representative to attend.

A handwritten signature in black ink, appearing to read "Richard M. Jacquez".

District Court Judge

11/16/2022 @ 5:20 PM
Date and time of signature

Richard M. Jacquez
Printed Name

Prepared and Submitted By:

A handwritten signature in black ink, appearing to read "Fred Kerrison".
Fred Kerrison
Deputy County Attorney
P.O. Box 2628
Las Cruces, NM 88004
575.647.7225

FILED 1st JUDICIAL DISTRICT COURT
Santa Fe County
11/15/2022 9:46 AM
KATHLEEN VIGIL CLERK OF THE COURT
Tamara Snee

**FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SANTA FE**

NO. D-101-CV-2022-02136

**IN THE MATTER OF THE EXPEDITED PETITION OF
KATHARINE E. CLARK, SANTA FE COUNTY CLERK,
TO OPEN BALLOT BOXES USED IN THE
NOVEMBER 8, 2022, ELECTION**

EXPEDITED ORDER TO OPEN BALLOT BOXES

THIS MATTER having come before the Court on the petition of the Santa Fe County Clerk ("County Clerk") for an order to break the seal open on the following ballot boxes used in the November 8, 2022, General Election (collectively "Ballot Boxes") for the purpose of locating missing write-in ballots and verifying the tally of write-in ballots on the grounds that the County Clerk and Santa Fe County Canvassing Board will be unable to perform their statutory duties if the ballot boxes are not opened as provided in Election Code:

1. **Tony E. Quintana Elementary Voting Convenience Center** (Ballot Box Seal No. 251807) which is located within consolidated precincts 1, 58, 79, and 118;
2. **Bennie J. Chavez Community Center/Chimayo Senior Center Voter Convenience Center** (Ballot Box Seal No. 251806) which is located within consolidated precincts 2 and 3;
3. **San Ildefonso Pueblo Visitor Voter Convenience Center** (Ballot Box Seal No. 251824) which is located within consolidated precincts 5 and 40;

*EXHIBIT
D*

4. **El Rancho Senior Center Voter Convenience Center** (Ballot Box Seal No. 251811) which is located within consolidated precincts 5 and 40;
5. **Pojoaque Middle School Voter Convenience Center** (Ballot Box Seal No. 251809), which is located within consolidated precincts 59, and 60;
6. **Nambe Community Center Voter Convenience Center** (Ballot Box Seal No. 251802) which is located within consolidated precincts 23, 61, and 128;
7. **Nambe Pueblo Tribal Administrative Building Voter Convenience Center** (Ballot Box Seal No. 251810) which is located within consolidated precincts 4, and 87;
8. **Tesuque Pueblo Intergenerational Center Voter Convenience Center** (Ballot Box Seal No. 251816) which is located within consolidated precincts 6, 7, 8, and 119;
9. **Tesuque Elementary School Voter Convenience Center** (Ballot Box Seal No. 251804) which is located within consolidated precincts 20, 21, 95, 121, 158, and 172;
10. **La Tierra Fire Station Voter Convenience Center** (Ballot Box Seal No. 251820) which is located within consolidated precincts 82, 83, 90, 146, 147, 152, 153, 169, and 177;
11. **Montezuma Lodge Voter Convenience Center** (Ballot Box Seal No. 251925), which is located within consolidated precincts 10, 22, 26, 28, 30, 91, 122, 123, and 131;

12. **Carlos Gilbert Elementary School Voter Convenience Center** (Ballot Box Seal No. 251128), which is located within consolidated precincts 10, 22, 26, 28, 30, 91, 122, 123, and 131;
13. **Atalaya Elementary Voter Convenience Center** (Ballot Box Seal No. 251815) which is located within consolidated precincts 9, 36, 44, 47, 55, 104, 120, 127, and 162;
14. **Glorieta Pass Fire Station # 2 Voter Convenience Center** (Ballot Box Seal No. 251745) which is located within consolidated precincts 48, 57, 100, 132, and 163;
15. **Gonzales Community School Voter Convenience Center** (Ballot Box Seal No. 251126) which is located within consolidated precincts 11, 24, 25, 27, 33, 92, 130, 155, 159, and 160;
16. **St. John's Methodist Church Voter Convenience Center** (Ballot Box Seal No. 251823), which is located within consolidated precincts 42, 43, 45, 46, 52, 53, 76, 101, 102, and 164;
17. **Salazar Elementary School Voter Convenience Center** (Ballot Box Seal No. 251696) which is located within consolidated precincts 31, 32, 34, 41, 97, 98, and 178;
18. **Chaparral Elementary School Voter Convenience Center** (Ballot Box Seal No. 251818) which is located within consolidated precincts 35, 50, 51, 74, 76, 77, 117, and 124;

19. **Christian Life Church Voter Convenience Center** (Ballot Box Seal No. 251804)
which is located within consolidated precincts 37, 54, 81, 103, and 161;
20. **Santa Fe County Fair Building Voter Convenience Center** (Ballot Box Seal Nos. 251825 and 1939836) which is located within consolidated precincts 29, 38, 39, 49, 56, 96, 99, 105, 133, and 173;
21. **El Camino Real Academy Voter Convenience Center** (Ballot Box Seal No. 251803), which is located within consolidated precincts 66, 80, 108, 109, 135, 136, and 145;
22. **Nina Otero Community School Voter Convenience Center** (Ballot Box Seal No. 251819) which is located within consolidated precincts 64, 67, 75, 106, 116, 137, 138, 140, 141, and 174;
23. **Southside Public Library Voter Convenience Center** (Ballot Box Seal No. 251149) which is located within consolidated precincts 64, 67, 75, 106, 116, 137, 138, 140, 141, and 174;
24. **La Cienega Community Center Voter Convenience Center** (Ballot Box Seal No. 251821) which is located within consolidated precincts 12, 62, 86, 89, 93, 149, 151, 154, 170, and 176;
25. **Turquoise Trail Charter School Voter Convenience Center** (Ballot Box Seal No. 995577) which is located within consolidated precincts 14, 72, 88, 114, 126, and 150;

26. **Madrid Fire Station # 1 Voter Convenience Center** (Ballot Box Seal No. 251148) which is located within consolidated precincts 14, 72, 88, 114, 126, and 150;
27. **Hondo Fire Station # 2 Voter Convenience Center** (Ballot Box Seal No. 251808) which is located within consolidated precincts 13, 68, 94, 129, and 171;
28. **Max Coll Corridor Community Center Voter Convenience Center** (Ballot Box Seal No. 251142) which is located within consolidated precincts 63, 65, 69, 107, 110, 134, 139, and 165;
29. **Galisteo Community Center Voter Convenience Center** (Ballot Box Seal No. 251150) which is located within consolidated precincts 17, 71, 113, 168;
30. **Stanley Cyclone Center Voter Convenience Center** (Ballot Box Seal No. 251136) which is located within consolidated precincts 16 and 19;
31. **Town of Edgewood Municipal Building Voter Convenience Center** (Ballot Box Seal No. 251131) which is located within consolidated precincts 15, 18, 73, 84, 85, 115, 125, 148, 156, and 157;
32. **Amy Biehl Community School Voter Convenience Center** (Ballot Box Seal No. 251137) which is located within consolidated precincts 70, 78, 111, 112, 142, 143, 144, and 175;
33. **Abedon Lopez Early Voting Location** (Ballot Box Seal No. 2325312);
34. **Santa Fe County Clerk's Office Early Voting Location** (Ballot Box Seal Nos. 2325313, 2325319, 2325317, and 2325389);

35. **Town of Edgewood Admin Early Voting Location** (Ballot Box Seal No. 2319261);
36. **Christian Life Early Voting Location** (Ballot Box Seal Nos. 1834494 and 2325394);
37. **Southside Library Early Voting Location** (Ballot Box Seal No. 2325336);
38. **Max Coll Corridor Comm. Early Voting Location** (Ballot Box Seal Nos. 1834499 and 1834498);
39. **Pojoaque Satellite Officer Early Voting Location** (Ballot Box Seal No. 2325374);
40. **Santa Fe County Fair Grounds Early Voting Location** (Ballot Box Seal Nos. 1834497, 1834496, and 2325589); and
41. **Absentee Voting** (Ballot Box Seal Nos. 9061005 and 9061004).

and the Court being otherwise fully advised, finds that the County Clerk and Santa Fe County Canvassing Board will be unable to perform their statutory election duties if the ballot boxes are not opened, and, accordingly, concludes that the ballot boxes should be opened as permitted by law. Further the Court finds that it is the interest of good safe-keeping practices and efficient administration of recounts, contests, or rechecks to keep the write-in ballots in precinct order by placing each write-in ballot, once tallied, into respective ballot box listed above for the voter convenience centers, early voting locations, and absentee voting at which it was cast

IT IS THEREFORE ORDERED the County Clerk and the District Judge's Designees, Theresa Atencio or Juan Torres, shall take a photograph of the unbroken seal, break the seal, and

open the ballot boxes for the Ballots Boxes used in the November 8, 2022, General Election and listed above for the purpose of locating missing write-in ballots to verify the tally of write-in votes. The County Clerk and Ms. Atencio or Mr. Torres shall take a photograph of the contents of each box before removing any of the contents and inventory the contents of the box. If the write-in ballots are located therein, the County Clerk and Ms. Atencio shall remove the write-in ballots from such ballot box, leaving in place all other contents of the ballot box, tally the write-in votes, place the write-in ballots into the box in precinct order, reseal the ballot box, then place the signature of the County Clerk across the envelope containing the keys.

DATED this 14th day of November, 2022 at 4:23 p.m.

IT IS SO ORDERED:



T. GLENN ELLINGTON
DISTRICT COURT JUDGE, DIV VII

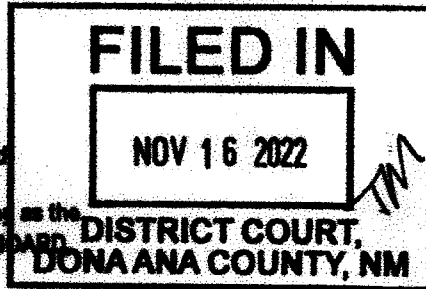
Submitted by:

SANTA FE COUNTY ATTORNEY'S OFFICE

By: /s/
Cristella E. Valdez, Assistant County Attorney
P.O. Box 276
Santa Fe, NM 87504-0276
Tele: (505) 986-6279
Fax: (505) 986-6362
Email: crisvaldez@santafecountynm.gov
Attorney for Petitioner

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD



No.
Judge

MS-2022-1

Richard M. Jacquez

Petitioner.

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Mesquite Elementary for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

Richard Jacquez

is the Court's representative to attend.

A handwritten signature in black ink, appearing to read "Richard M. Jacquez", written over a horizontal line.

District Court Judge

11/16/2022 @ 5:26 PM
Date and time of signature

Richard Jacquez
Printed Name

Prepared and Submitted By:

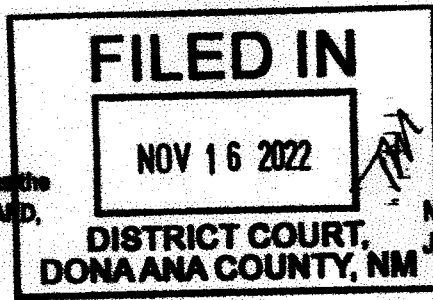
A handwritten signature in black ink, appearing to read "Fred Kershon", written over a horizontal line.
Fred Kershon
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

EXH: Bix
D

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



MS-2022-1
Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: New Mexico Farm & Ranch Heritage Museum for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

RICHARD JACQUEZ is the Court's representative to attend.

A handwritten signature in black ink, appearing to be "Richard Jacquez", written over a horizontal line.

District Court Judge

11/16/22 @ 5:18 PM
Date and time of signature

RICHARD JACQUEZ
Printed Name

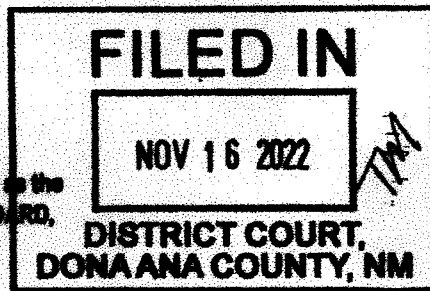
Prepared and Submitted By:

Fred Kention
Deputy County Attorney
P.O. Box 2538
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No.
Judge

MS-2022-1
Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day, Corbett Center - NMSU for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge RICHARD M. JACQUEZ is the Court's representative to attend.

A handwritten signature in black ink, appearing to read "R. M. Jacquez".

District Court Judge

11/11/2022 @ 11:07 AM
Date and time of signature

RICHARD M. JACQUEZ
Printed Name

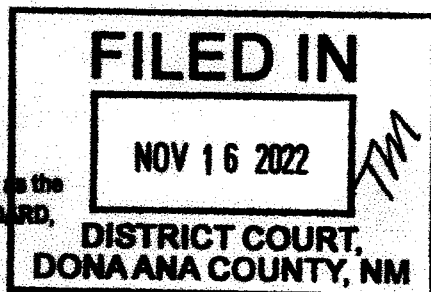
Prepared and Submitted By:

A handwritten signature in black ink, appearing to read "Fred Kanton".
Fred Kanton
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No.
Judge

MS-2022-1
Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Organ Community Center for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

RICHARD M. JACQUEZ

is the Court's representative to attend.

A large, stylized handwritten signature in black ink, appearing to be "Richard M. Jacquez".

District Court Judge

11/17/2022 @ 8:21 AM
Date and time of signature

RICHARD M. JACQUEZ
Printed Name

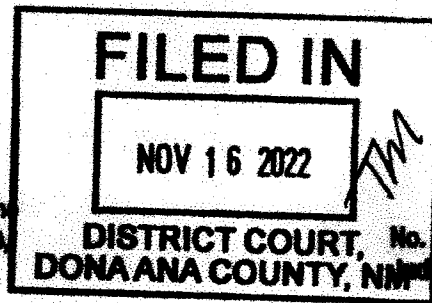
Prepared and Submitted By:

A handwritten signature in black ink, appearing to be "Fred Kerkon".
Fred Kerkon
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



MS-2022-1
Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day, Organ Mountain High School for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge RICHARD M. JACQUEZ is the Court's representative to attend.

District Court Judge

11/11/2022 @ 11:09 AM
Date and time of signature

RICHARD M. JACQUEZ
Printed Name

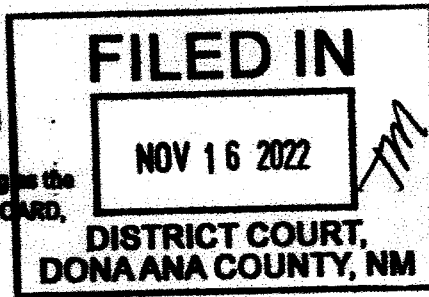
Prepared and Submitted By:

Fred Hanson
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No.
Judge

MS-2022-1

Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Rincon Fire Station for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge


Richard M. Jacquez is the Court's representative to attend.


District Court Judge

11/16/2022 @ 2:40 PM
Date and time of signature

Richard M. Jacquez
Printed Name

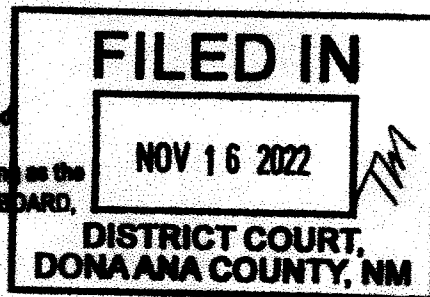
Prepared and Submitted By:


Paul Kardon
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No.
Judge

MS-2022-1
Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day, Santa Teresa Middle School for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge RICHARD M. JACQUEZ is the Court's representative to attend.

A large, stylized handwritten signature in black ink, appearing to be "R. M. Jacquez".

District Court Judge

11/17/2022 @ 8:20 AM
Date and time of signature

RICHARD M. JACQUEZ
Printed Name

Prepared and Submitted By:

A handwritten signature in black ink, appearing to be "Fred Kershon".
Fred Kershon
Deputy County Attorney
P.O. Box 2538
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD

FILED IN

NOV 16 2022

**DISTRICT COURT,
DOÑA ANA COUNTY, NM**

No.
Judge

MS-2022-1
Richard M. Jacquez

Petitioner.

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day, Sierra Middle School for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge RICHARD M. JACQUEZ is the Court's representative to attend.



District Court Judge

11/4/2022 @ 11:08 AM
Date and time of signature

RICHARD M. JACQUEZ

Printed Name

Prepared and Submitted By:

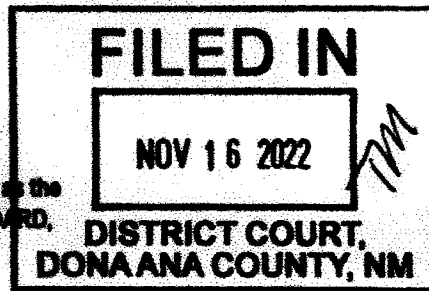


Fred Kention
Deputy County Attorney
P.O. Box 2526
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No.
Judge

MS-2022-1
Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day Sunrise Elementary for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

RICHARD JACQUEZ is the Court's representative to attend.

A handwritten signature in black ink, appearing to read "Richard M. Jacquez", written over a horizontal line.

District Court Judge

11/16/2022 @ 5:28 PM
Date and time of signature

RICHARD JACQUEZ
Printed Name

Prepared and Submitted By:

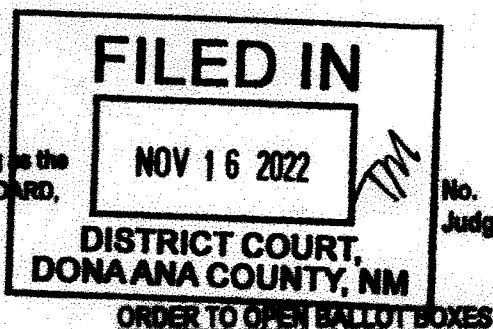
A handwritten signature in black ink, appearing to read "Fred Kerkon", written over a horizontal line.

Fred Kerkon
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.




No.
Judge

MS-2022-1
Richard M. Jacquez


THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Tombaugh Elementary for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

Richard M. Jacquez is the Court's representative to attend.


District Court Judge
11/16/2022 @ 2:41 PM
Date and time of signature
RICHARD M. JACQUEZ
Printed Name

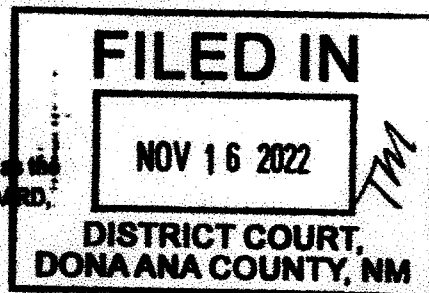
Prepared and Submitted By:


Fred Kanton
Deputy County Attorney
P.O. Box 2628
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



ORDER TO OPEN BALLOT BOXES

MS-2022-1
To Judge Richard M. Jacquez

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: University Hills Elementary for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

RICHARD M. JACQUEZ is the Court's representative to attend.

District Court Judge

11/11/2022 @ 11:07 AM
Date and time of signature

RICHARD M. JACQUEZ
Printed Name

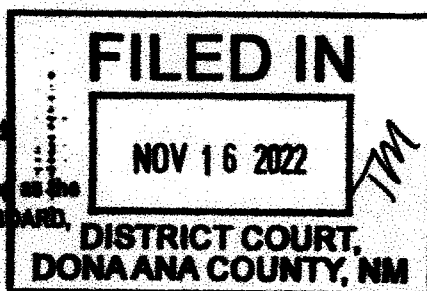
Prepared and Submitted By:

Fred Kention
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7725

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No.
Judge

MS-2022-1

Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day: Vista Middle School for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

RICHARD M. JACQUEZ is the Court's representative to attend.

District Court Judge

11/17/2022 @ 8:17 AM

Date and time of signature

RICHARD M. JACQUEZ

Printed Name

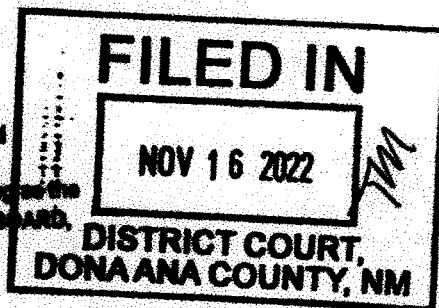
Prepared and Submitted By:

Fred Hannon
Deputy County Attorney
P.O. Box 2628
Las Cruces, NM 88004
575.847.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No.
Judge

MS-2022-1
Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Election Day Write In Qualified: Doña Ana County Bureau of Elections Warehouse for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge RICHARD M. JACQUEZ is the Court's representative to attend.

District Court Judge

11/15/2022 @ 9:40 AM
Date and time of signature

RICHARD M. JACQUEZ
Printed Name

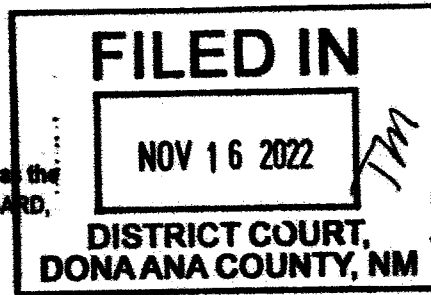
Prepared and Submitted By:

Fred Kention
Deputy County Attorney
P.O. Box 2628
Las Cruces, NM 88004
575.847.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



MS-2022-1

Richard M. Jaquez

No.
Judge

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Absentee: Dona Ana County Bureau of Elections Warehouse for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge RICHARD M. JACQUEZ is the Court's representative to attend.

Boxes related to absentee:

Absentee Ballots- ____
Inner Envelopes- ____
Outer Envelopes- ____
UOCAVA- ____
Write-in- ____
Rejected- ____
Hand-tally- ____

A large, stylized handwritten signature in black ink, appearing to read "R. M. Jaquez".

District Court Judge

4/14/2022 @ 1:23 pm
Date and time of signature

RICHARD M. JACQUEZ
Printed Name

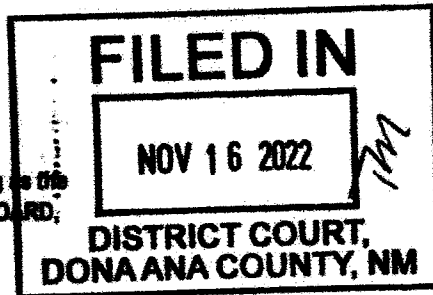
Prepared and Submitted By:

A handwritten signature in black ink, appearing to read "Fred Kannon".
Fred Kannon
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD;

Petitioner.



No.
Judge

MS-2622-1

Richard M. Jaquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Early Voting: Anthony City Hall for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge RICHARD M. JACQUEZ is the Court's representative to attend.

A handwritten signature in black ink, appearing to read "Richard M. Jaquez".

District Court Judge

11/11/2022 @ 5:03 PM
Date and time of signature

RICHARD M. JACQUEZ

Printed Name

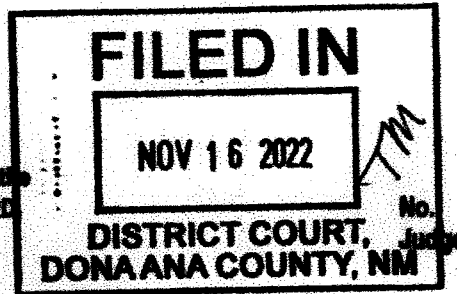
Prepared and Submitted By:

A handwritten signature in black ink, appearing to read "Fred Kerkon".
Fred Kerkon
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD

Petitioner.



MS-2022-1

Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Early Voting: Hatch Valley High School for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge

Richard M. Jacquez is the Court's representative to attend.

A handwritten signature in black ink, appearing to read "Richard M. Jacquez".

District Court Judge

11/14/2022 @ 8:14 AM

Date and time of signature

Richard M. Jacquez

Printed Name

Prepared and Submitted By:

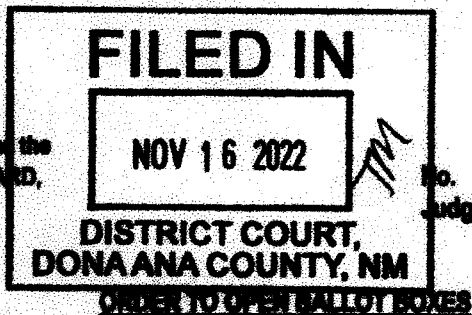
A handwritten signature in black ink, appearing to read "Fred Kinton".

Fred Kinton
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



MS-2022-1
Richard M. Jacquez

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Early Voting : NMSU - Corbett Center Student Union for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge RICHARD M. JACQUEZ is the Court's representative to attend.

District Court Judge

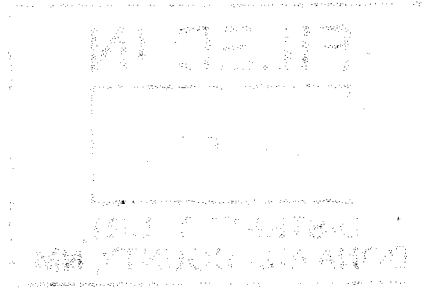
11/16/2022 @ 5:02 PM
Date and time of signature

RICHARD M. JACQUEZ
Printed Name

Prepared and Submitted By:

Eric Kenyon
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

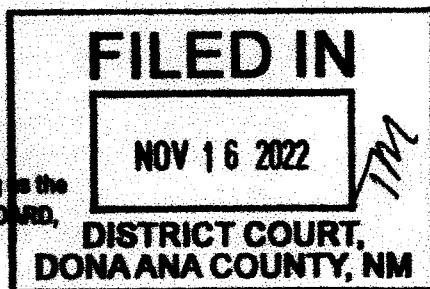
324-0051 1A B1611-5



STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No.
Judge

MS-2022-1

Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Early Voting Write In Disqualified: Doña Ana County Bureau of Elections Warehouse for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge RICHARD M. JACQUEZ is the Court's representative to attend.

District Court Judge

11/16/2022 @ 2:03 PM
Date and time of signature

RICHARD M. JACQUEZ
Printed Name

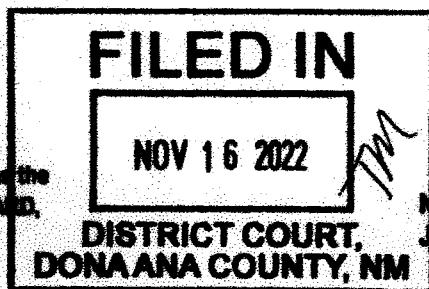
Prepared and Submitted By:

Fred Kenyon
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

THE DOÑA ANA COUNTY CLERK and
THE DOÑA ANA COUNTY BOARD
OF COUNTY COMMISSIONERS, acting as the
DOÑA ANA COUNTY CANVASSING BOARD,

Petitioner.



No.
Judge

MS-2022-1

Richard M. Jacquez

ORDER TO OPEN BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Doña Ana County Clerk on behalf of the Doña Ana County Canvassing Board, by and through counsel, pursuant to NMSA 1978, §1-13-8 and § 1-13-14, and for the reasons stated in the Petition, and the Court having determined that the request in the Petition is appropriate.

THIS COURT HEREBY ORDERS AND DECREES that consistent with NMSA 1978 §1-13-8 and §1-13-14, the County Clerk shall open the ballot boxes used in polling locations at Early Voting Write In Qualified: Doña Ana County Bureau of Elections Warehouse for the 2022 General Election held on November 8, 2022 located at the Doña Ana County Clerk's warehouse, 2480 Lakeside Drive, Las Cruces, New Mexico, to remove and review all materials contained within that are necessary to count and tally ballots found therein. Judge Richard M. Jacquez is the Court's representative to attend.

A large, stylized handwritten signature in black ink, appearing to read "Richard M. Jacquez".

District Court Judge

11/16/2022 @ 2:04 PM
Date and time of signature

Richard M. Jacquez

Printed Name

Prepared and Submitted By:

A handwritten signature in black ink, appearing to read "Paul Kention".
Paul Kention
Deputy County Attorney
P.O. Box 2528
Las Cruces, NM 88004
575.647.7225

STATE OF NEW MEXICO
COUNTY OF RIO ARRIBA
FIRST JUDICIAL DISTRICT

FILED 1st JUDICIAL DISTRICT COURT
Rio Arriba County
6/10/2022 1:35 PM
KATHLEEN VIGIL CLERK OF THE COURT
Jessica Baca

IN RE: LOCKED BALLOT BOXES IN RIO ARRIBA COUNTY

Misc. Case No.: D-117-CV-2022-00171

RIO ARRIBA COUNTY CLERK,

Petitioner.

ORDER TO OPEN LOCKED BALLOT BOXES

THIS MATTER having been presented for consideration through a Petition filed by the Rio Arriba County Clerk, and the Court having determined the reasons stated in the Petition to be reasonable and appropriate,

THIS COURT HEREBY ORDERS that the County Clerk shall, in the Office of the County Clerk in Tierra Amarilla, New Mexico, open the Ballot Boxes for the following voting convenience centers and precincts and retrieve all paper ballots cast containing votes for write-in candidates that were inadvertently locked inside by precinct poll-workers:

Voting Convenience Center 10 – Hernandez, Precincts 36 and 37 (Hernandez Community Center)

Voting Convenience Center 13 – Chamita, Precincts 46 and 47 (Chamita Volunteer Fire Department)

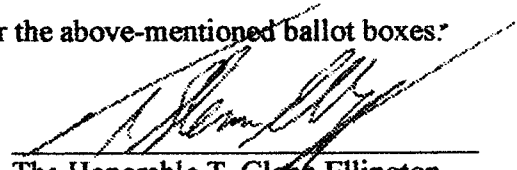
Voting Convenience Center 15 – Alcalde, Precincts 57 and 58 (Alcalde Community Center)

Voting Convenience Center 18 – Española, Precincts 61, 62 and 66 (Lucero Center)

Voting Convenience Center 21 – Chimayo, Precincts 70 and 71 (La Arboleda Community Center)

**EXHIBIT
E**

This opening shall take place on Monday, June 13th, 2022 at 9:00AM. The Court hereby appoints Rio Arriba County Manager Lucía F. Sánchez as the Court's representative, to attend with the ballot box keys for the above-mentioned ballot boxes.


The Honorable T. Glenn Ellington
District Court Judge

Prepared and Submitted By:

/s/ _____
Adán E. Trujillo
Rio Arriba County Attorney

Parties entitled to notice:

Joann Salazar
County Chair of Democratic Political Party
P.O. Box 1007
Española, NM 87532
joannvsalazar@hotmail.com

Nadine Trujillo, Chair
Republican Party
91 B Feather Catcher Road
Santa Fe, NM 87506
trujillonadine1@gmail.com

Chris Luchini
Libertarian Party Chairman
8100 Wyoming Blvd. NE, Ste. M4, #341
Albuquerque, NM 87113
chair@lpnm.us

Maggie Toulouse Oliver, Secretary of State
New Mexico State Capitol
325 Don Gaspar, Suite 300
Santa Fe, NM 87503

(505) 827-3600

Maggie.Toliver@state.nm.us

**FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SANTA FE**

FILED 1st JUDICIAL DISTRICT COURT
Santa Fe County
6/9/2022 2:11 PM
KATHLEEN VIGIL CLERK OF THE COURT
Jessica Baca

**IN THE MATTER OF THE
PRIMARY ELECTION OF
JUNE 7, 2022**

NO. D-101-CV-2022-01018

EXPEDITED ORDER TO OPEN BALLOT BOXES

THIS MATTER having come before the Court on the petition of the Santa Fe County Clerk ("County Clerk") to break the seals and open the following ballot boxes used in the June 7, 2022 Primary Election:

- 1) **St. John's Methodist Church Voter Convenience Center** (Ballot Box Seal No. 4130210), which is located within consolidated precincts 42, 43, 45, 46, 52, 53, 101, 102, and 164; and
- 2) **Pojoaque Middle School Voter Convenience Center** (Ballot Box Seal No. 4130220), which is located within consolidated precincts 59, and 60; and
- 3) **Montezuma Lodge Voter Convenience Center** (Ballot Box Seal No. 4130205), which is located within consolidated precincts 10, 22, 26, 28, 30, 91, 122, 123, and 131; and
- 4) **Salazar Elementary School Voter Convenience Center** (Ballot Box Seal No. 4130204) which is located within consolidated precincts 31, 32, 34, 41, 97, 98, and 178; and
- 5) **Christian Life Church Voter Convenience Center** (Ballot Box Seal No. 3050152) which is located within consolidated precincts 37, 54, 81, 103, and 161; and

**EXHIBIT
F**

6) **Nina Otero Community School Voter Convenience Center** (Ballot Box Seal No. 4130209) which is located within consolidated precincts 64, 67, 75, 106, 116, 137, 138, 140, 141, and 174; and

7) **Nambe Community Center Voter Convenience Center** (Ballot Box Seal No. 4130216) which is located within consolidated precincts 23, 61, and 128; and

8) **Tony E Quintana Elementary Voting Convenience Center** (Ballot Box Seal No. 4130282) which is located within consolidated precincts 1, 58, 79, and 118; and

9) **Tesuque Elementary School Voter Convenience Center** (Ballot Box Seal No. 4130213) which is located within consolidated precincts 20, 21, 95, 121, 158, and 172; and

10) **Gonzales Community School Voter Convenience Center** (Ballot Box Seal No. 4130214) which is located within consolidated precincts 11, 24, 25, 27, 33, 92, 130, 155, 159, and 160; and

11) **Max Coll Corridor Community Center Voter Convenience Center** (Ballot Box Seal No. 3050690) which is located within consolidated precincts 63, 65, 69, 107, 110, 134, 139, and 165; and

12) **Turquoise Trail Charter School Voter Convenience Center** (Ballot Box Seal No. 4130203) which is located within consolidated precincts 14, 72, 88, 114, 126, and 150; and

13) **La Cienega Community Center Voter Convenience Center** (Ballot Box Seal No. 4130396) which is located within consolidated precincts 12, 62, 86, 89, 93, 149, 151, 154, 170, 176; and

14) **Town of Edgewood Municipal Building Voter Convenience Center** (Ballot Box Seal No. 305679) which is located within consolidated precincts 15, 18, 73, 84, 85, 115, 125, 148, 156, and 157; and

15) **Chaparral Elementary School Voter Convenience Center** (Ballot Box Seal No. 4130206) which is located within consolidated precincts 35, 50, 51, 74, 76, 77, 117, and 124; and

16) **Santa Fe County Fair Building Voter Convenience Center** (Ballot Box Seal No. 1110237) which is located within consolidated precincts 29, 38, 39, 49, 56, 96, 99, 105, 133, and 173; and

17) **Southside Public Library Voter Convenience Center** (Ballot Box Seal No. 3050659) which is located within consolidated precincts 64, 67, 75, 106, 116, 137, 138, 140, 141, and 174; and

18) **El Rancho Senior Center Voter Convenience Center** (Ballot Box Seal No. 4130215) which is located within consolidated precincts 5 and 40; and

19) **Nambe Pueblo Tribal Administrative Building Voter Convenience Center** (Ballot Box Seal No. 4130219) which is located within consolidated precincts 4 and 87; and

20) **La Tierra Fire Station Voter Convenience Center** (Ballot Box Seal No. 4130281) which is located within consolidated precincts 82, 83, 90, 146, 147, 152, 153, 169, and 177; and

21) **Atalaya Elementary Voter Convenience Center** (Ballot Box Seal No. 1308906) which is located within consolidated precincts 9, 36, 44, 47, 55, 104, 120, 127, and 162; and

22) **Madrid Fire Station # 1 Voter Convenience Center** (Ballot Box Seal No. 4130385) which is located within consolidated precincts 14, 72, 88, 114, 126, and 150; and

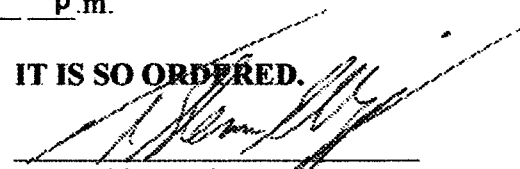
23) **Amy Biehl Community School Voter Convenience Center** (Ballot Box Seal No. 1308907) which is located within consolidated precincts 70, 78, 111, 112, 142, 143, 144, and 175.

(collectively “VCCs) for the purpose of 1) locating missing write-in ballots and 2) to allow the County Clerk to ascertain if green permit stubs are also enclosed in the **Nambe Pueblo Tribal Administrative Building Voter Convenience Center** (Ballot Box Seal No. 4130219) which is located within consolidated precincts 4 and 87 (Nambe Pueblo VCC) pursuant to NMSA 1978, Section 1-13-14, and other applicable provisions of the Election Code, and the Court being otherwise fully advised, finds that the County Clerk and Santa Fe County Canvassing Board will be unable to perform their statutory election duties if the ballot boxes are not opened, and, accordingly, concludes that the ballot boxes should be opened as permitted by law.

IT IS THEREFORE ORDERED the County Clerk and the District Judge’s Designee, Theresa Atencio, shall take a photograph of the unbroken seal, break the seal, and open the ballot boxes for the 23 above named VCCs for the purpose of locating missing write-in ballots. The County Clerk and Ms. Atencio shall also ascertain whether green permit stubs are enclosed in the ballot box for the Nambe Pueblo VCC, once the box is opened for the purpose of locating missing write-in ballots. The County Clerk and Ms. Atencio shall take a photograph of the contents of the box before removing any of the contents and inventory the contents of the box. If the write-in ballots are located therein, the County Clerk and Ms. Atencio shall remove the write-in ballots, leaving in place all other contents of the ballot box, except that the green permit stubs shall also be removed from the Nambe Pueblo VCC ballot box if contained therein, reseal the ballot box, then place the signature of the County Clerk across the envelope containing the keys.

DATED this 9th day of June, 2022 at 2:08 p.m.

IT IS SO ORDERED.



Honorable T. Glenn Ellington
District Court Judge

Submitted by:

SANTA FE COUNTY ATTORNEY'S OFFICE

By: /s/
Cristella E. Valdez, Assistant County Attorney
P.O. Box 276
Santa Fe, NM 87504-0276
Tele: (505) 986-6279
Fax: (505) 986-6362
Email: crisvaldez@santafecountynm.gov

Attorney for Petitioner

**FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SANTA FE LOS ALAMOS**

FILED 1st JUDICIAL DISTRICT COURT
Los Alamos County
6/29/2022 3:51 PM
KATHLEEN VIGIL CLERK OF THE COURT
Johnny Enriquez-Lujan

**IN THE MATTER OF THE
PRIMARY ELECTION OF
JUNE 2, 2020**

NO. D-132-CV-2022-00036

ORDER TO OPEN BALLOT BOXES

THIS MATTER having come before the Court on the motion of the Los Alamos County Clerk ("Clerk") to break the seals and open the ballot boxes for 1) White Rock Town Hall Early Voting Center (Ballot Box Seal Nos. 003092 and 003080, 003003 and 003043), and 2) Los Alamos County Municipal Building Early Voting Center (Ballot Box Seal Nos. 003013 and 003056, 003023 and 003077), used in the June 7, 2022 Primary Election (collectively "Early Voting VCCs") for the purpose of the Clerk to ascertain the precinct for write-in votes pursuant to NMSA 1978, Section 1-12-70, and for the Los Alamos Canvassing Board to certify the June 7, 2022 primary election pursuant to NMSA 1978 Section 1-13-13, and other applicable provisions of the Election Code, and the Court being otherwise fully advised, finds that the County Clerk and Los Alamos County Canvassing Board will be unable to perform their statutory election duties if the ballot boxes are not opened, and, accordingly, concludes that the ballot boxes should be opened as permitted by law.

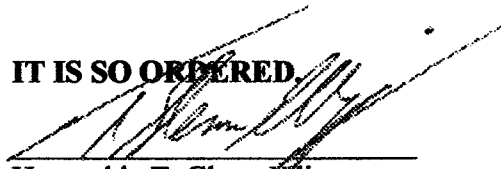
IT IS THEREFORE ORDERED the County Clerk and the District Judge's Designee, Adrianna Ortiz, Los Alamos County Chief Deputy Clerk, shall take a photograph of the unbroken seal, break the seal, and open the ballot boxes for the above-named VCCs for the purpose of verifying the precincts for write-in ballots. The County Clerk and Ms. Ortiz shall take a photograph

**EXHIBIT
E**

of the contents of the box before removing any of the contents and inventory the contents of the box. If the write-in ballots are located therein, the County Clerk and Ms. Ortiz shall remove the write-in ballots, leaving in place all other contents of the ballot box, verify the precincts of the write-in ballots, reseal the ballot box, then complete a seal certificate with the new seal numbers.

DATED this 9th day of June 2022.

IT IS SO ORDERED.


Honorable T. Glenn Ellington
District Court Judge

Submitted by:

LOS ALAMOS COUNTY ATTORNEY

By: /s/ J. Alvin Leaphart
J. Alvin Leaphart
Los Alamos County Attorney
1000 Central Ave., Suite 340
Los Alamos, NM 87544
(505) 662-8020
alvin.leaphart@lacnm.us

Attorney for Petitioner

**UNITED STATES DISTRICT COURT
for the
District of New Mexico**

Larry Marker)	
_____)	
Plaintiff)	Civil Action No: 24-71 DHU-JFR
)	
v.)	
)	
Office of the New Mexico Secretary)	
of State)	
Maggie Toulouse Oliver,)	
Office of the New Mexico Attorney)	
General)	
Raul Torrez)	
_____)	
Defendant)	

Affidavit

New Mexico,

United States of America

Comes now Ramona Goolsby, being first duly sworn, under oath, and states as follows:

1. I Ramona Goolsby reside in the state of New Mexico, county of Sandoval, city of Rio Rancho and am an eligible voter registered with the county of Sandoval, state of New Mexico (voter registration card is available).

EXHIBIT
F

2. I voted November 8, 2022, in person in the 2022 general election at approximately 7:30 a.m. at the Sandoval County Administration Building. I was voter number 44 on tabulator number 35. The ballot was accepted by the tabulator without any errors reported. The tabulator tapes were posted on the voting center door at the close of the polls and showed there were write-in votes cast (photos of the line at the county administration building, voter permit with name and precinct, and actual completed ballot are available).

3. November 16, 2022, Anne Brady-Romero, Sandoval County Clerk petitioned the 13th Judicial District Court of Sandoval County, Case N. D-1329-CV-2022-01262, to open multiple ballot boxes from early voting and the general election. The Sandoval County Administrative Building D election day location was one of the many locations that had to be opened (copies of the 13th District Court Sandoval County Order are available).

4. Sandoval County Canvas was completed by the Sandoval County commission on November 18, 2022. The report provided by the Deputy Clerk, Joey Dominguez and the Bureau of Elections manager Tina Dominguez did confirm the vote tally for the county was incorrect. They had significant issues during the canvass. The county Bureau of Elections manager, Tina Dominguez reported when asked about write-in candidates, "we had several, a few hundred ballots (held her hands up making a stacking motion). But not all of them had the actual writ-in name. It was

either the bubble that was, or it was like Joey explained in his report, just a mark that shows it could be diverted as a write-in, but they didn't actually write-in the actual name and those are disqualified. So, they are not entered. Everything that was entered is what was qualified." Attorney for the county, Mr. Michelle Eshleman reported 124 write-in votes for Mr. Larry Marker and 13 write-in votes for Victoria Gonzales, congressional district one write-in candidate (18-page transcript of the Sandoval County Canvass is available).

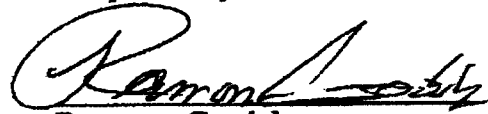
5. I reside in Precinct number 41 in Sandoval County. I have rechecked the results posted on the Secretary of State's official website since the close of the election November 8, 2022, and there have never been any updates to the vote total with an asterisk * in place of the vote count. There are 157 precincts in Sandoval County with asterisk * in all precincts except precincts 39 and 56. Precinct 39 lists 5 votes and precinct 56 lists 6 votes for Mr. Marker. On the exported excel spreadsheet from the Secretary of State office only shows 14 votes (spreadsheet and online SOS precinct numbers available).

6. Email correspondence between Ernestina "Tina" Domingues and Kari Fresquez, Secretary of States office dated November 23, 2022 confirms errors in the Sandoval County canvass and the write-in votes. The two parties discuss how to fix the discrepancies between the tabulator counts, the hand counts and the number posted to SERVIS, the secretary of states election management system. No hand tally

sheet for precinct 41 was provided with the emails (there are over 114 pages of emails and hand tally sheets available).

7. Under pains and penalties of perjury I present these facts. I verify that I wrote this affidavit and am familiar with its contents.

Respectfully submitted,



Ramona Goolsby,
210 Hope Court NE
Rio Rancho, NM 87124

I SWEAR OR AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

Date 2-22-24

Ramona Goolsby



STATE OF NEW MEXICO
COUNTY OF SANDOVAL

I, the undersigned Notary Public, do hereby affirm that Ramona Goolsby personally appeared before me on the 22nd day of February 2024, and signed the above Affidavit as his free and voluntary act and deed.



Notary Public

